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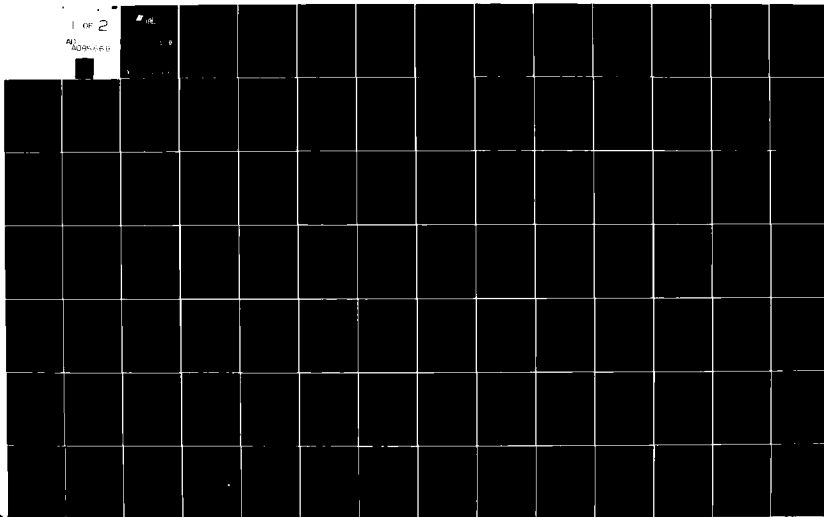
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DEPARTMENT OF TRANSPORTATION



COAST GUARD LEVEL

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STUDY TO DEVELOP UNIFIED INVESTIGATIVE CAPABILITY AND
POLICY AMONG THE CVS, MEP, PSS, AND RBS PROGRAMS

Robert A. Camozzo, John C. Lyons, H. Donald Messer,
James C. Thomas, and Heath E. Warren

Messer Associates, Inc.
11300 Rockville Pike
One Central Plaza
Rockville, MD 20852

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16. Abstract Four Coast Guard investigation programs (Commercial Vessel Safety, Marine Environmental Protection, Port Safety and Security, and Recreational Boating Safety) are studied to ascertain current program organizations and operations, and to recommend methods to enhance and unify Coast Guard investigative posture. Extensive interviewing and data collection were done, both in the field and at Coast Guard Headquarters. Data on personnel, training and caseloads were compiled and are analyzed for comparative performance levels. This information, in addition to that acquired relevant to information flow and investigative hierarchies, provides documentation of current investigative procedures and is the basis upon which recommendations for achieving a more unified and efficient investigative system are made. Major recommendations deal with field unit organization, officer assignment and training, use of enlisted personnel, recreational boating accident investigation, review of investigative reports, and data processing activities and equipment. Other recommendations are made on implementation of the Marine Safety Office (MSO) concept, Headquarters' organization, investigating and reporting minor incidents, consolidation of field offices with low investigative activity, and standardization of penalties. A summation of the recommendations and an overview of the resulting unified organization, manpower utilization, and data flow is given.			
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TABLE OF CONTENTS

	<u>Page Number</u>
INTRODUCTION	1
I. PRESENT SYSTEM	I-1
Current Organization	I-1
Current Manpower Utilization	I-18
Suspension and Revocation Proceedings	I-36
Investigation of Violations of Regulations (Report CG-2636)	I-58
Recreational Boating Accident Investigations	I-67
Oil Pollution Investigations	I-78
Legal Inconsistencies Affecting Investigations	I-83
Standardized Penalty Enforcement Procedures	I-85
II. DISCUSSION AND CONCLUSIONS	II-1
Implementation of the MSO Concept	II-1
Field Unit Organization	II-4
Officer Assignment and Training	II-7
The Use of Enlisted Personnel in Investigations	II-14
Headquarters Organization	II-17
Recreational Boating Accident Investigation	II-18
Investigating and Reporting Minor Incidents	II-23
Review of Investigative Reports	II-32
Field Offices With Low Investigative Activity	II-38
Consolidate Data Processing Activities and Equipment	II-44

	<u>Page Number</u>
III. RECOMMENDATIONS AND RESULTING UNIFIED SYSTEM	III-1
Recommendations	III-1
Unified Organization	III-3
Unified Manpower Utilization	III-5
Unified Data Flow	III-7

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LIST OF EXHIBITS

	<u>Page Number</u>
I-1 Typical MIO Organization for Investigation Activities	I-2
I-2 Typical COTP Organization for Investigation Activities	I-3
I-3 Typical MSO Organization for Investigation Activities	I-4
I-4 Typical District Organization for Investigation Activities	I-8
I-5 Headquarters Organization for Investigative Activities	I-12
I-6 Program Interaction Between Organization Levels	I-17
I-7 Manpower Utilization in Field Units Investigative Activities	I-20
I-8 Experience of Personnel Presently Assigned as Investigating Officers	I-22
I-9 Training of Personnel Presently Assigned as Investigating Officers	I-24
I-10 MEP	I-26
I-11 PSS	I-27
I-12 CVS	I-28
I-13 RBS	I-29
I-14 District/Marine Safety Division (MSD)	I-30
I-15 Commercial Vessel Investigation Flow Through Major Organizational Elements	I-37
I-16 Flow of Commercial Vessel Casualty Reports in Headquarters	I-43
I-17 Suspension and Revocation Procedures Flow Through Major Organizational Elements	I-48
I-18 Flow of Report of Violation (CG-2636) Through Major Organizational Elements	I-59

	<u>Page Number</u>
I-19 Flow of Report of Violation and District Letters in Headquarters - WLE	I-64
I-20 Flow of Investigation Reports/Forms Through Major Organization Elements for Boating Incidents	I-68
I-21 Flow Chart for BAR's and Investigations	I-70
I-22 Sequential Flow Chart for BAR's and Investigations	I-71
I-23 Headquarters Flow of BAR's and Investigations	I-74
I-24 Accident Reporting and Investigating Progression	I-77
I-25 Flow of Oil Pollution Investigations	I-79
I-26 Report of Merchant Marine Investigations and Hearings (1 January to 30 June 1977)	I-94
I-27 Report of Merchant Marine Investigations and Hearings (1 July through 31 December 1977)	I-95
I-28 Report of Merchant Marine Investigations and Hearings (1 January through 30 June 1978)	I-96
I-29 District Report of Penalty Cases 1 January-30 June 1977	I-97
I-30 District Report of Penalty Cases 1 July-31 December 1977	I-98
I-31 District Report of Penalty Cases 1 January-30 June 1978	I-99
I-32 Summary of Enforcement Cases	I-100
I-33 Report and Summary of Penalty Cases	I-102
II-1 Fatal Boating Accident Investigation Involvement at the MIO/MSO Level	II-22
II-2 Investigative Effort (Field and District Level)	II-36
II-3 Investigative Effort (Field and District Level)	II-37
II-4 Investigative Activity of Field Units of the 2nd and 9th Coast Guard Districts	II-41

	<u>Page Number</u>
II-5 9th District Field Offices	II-42
II-6 2nd District Field Offices	II-43
III-1 Commercial Vessel Casualty	III-9
III-2 Commercial Vessel Violation	III-10
III-3 Pollution Investigation	III-11

INTRODUCTION

This is the final report on contract DOT-CG-74059, A Study to Develop Unified Investigative Capability and Policy Among the CVS, MEP, PSS, and RBS Programs. The conclusions and recommendations presented in this report are based on data routinely collected by the Coast Guard, original data describing activities in field units, and perhaps most importantly on extensive interviews with Coast Guard personnel in Headquarters, district offices and field units, and observations of functions in these locations.

The report is organized in three chapters as follows:

Chapter I: Present System

A description of the existing investigative system for all four programs, including program functions and interaction, field, district, and Headquarters organization and responsibilities, data flows, caseloads and manpower utilization.

Chapter II: Discussion and Conclusion

A discussion of what we feel are problem areas, or areas which can be improved to provide a better investigatory posture, based on information in Chapter I. Conclusions are made on the manner in which to address these areas.

Chapter III: Recommendations and Resulting Unified Systems

Recommendations based on Chapter II are presented here. The resulting unified system (in terms of organization, manpower utilization, and data flow) should these recommendations be implemented, is described.

I. PRESENT SYSTEM

I. PRESENT SYSTEM

CURRENT ORGANIZATION

The following paragraphs discuss the organization of Coast Guard field units, district offices, and Headquarters. The discussion and the accompanying organization charts cover only those elements that are engaged in or support the investigative (adjudicative) process. They do not represent the total organization.

Field Units

There are three types of field unit organizations for Coast Guard investigative activities: the Marine Inspection Office, the Captain of the Port Office, and the Marine Safety Office. Exhibits I-1, I-2, and I-3 on pages I-2, I-3, and I-4 show typical organization charts for each of these types of offices. The charts are described as typical because the organizations may vary from office to office. Only the Commanding Officer and Executive Officer are assigned by title from Coast Guard Headquarters. The remaining organization is designed and assigned by the CO/XO to best match available personnel to the specific needs of the unit.

In all three types of organization, the CO(OCMI/COTP)/XO are responsible for administration, management, and assignment of investigative personnel and for the quality of the work they perform.

In the Marine Inspection Office, the Senior Investigating Officer reports to the Executive Officer. Since the offices that retain the separate MIO organization are relatively large, the SIO often is primarily a manager. His activities would be the case assignment and control of the investigating officers who work for him and reviewing and approving their work and reports. The investigating officers who report to the SIO are with very few exceptions commissioned officers. The SIO also supervises the work of clerical personnel and court reporters. The investigation activities in the MIO include commercial vessel casualties,

EXHIBIT I-1
Typical MIO Organization
for Investigation Activities

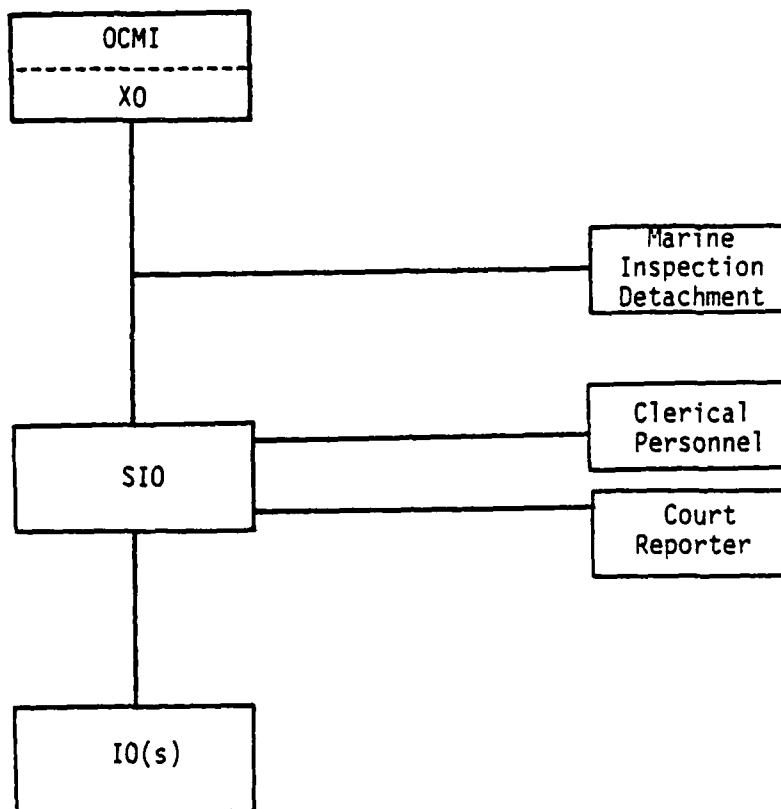


EXHIBIT I-2
Typical COTP Organization
for Investigation Activities

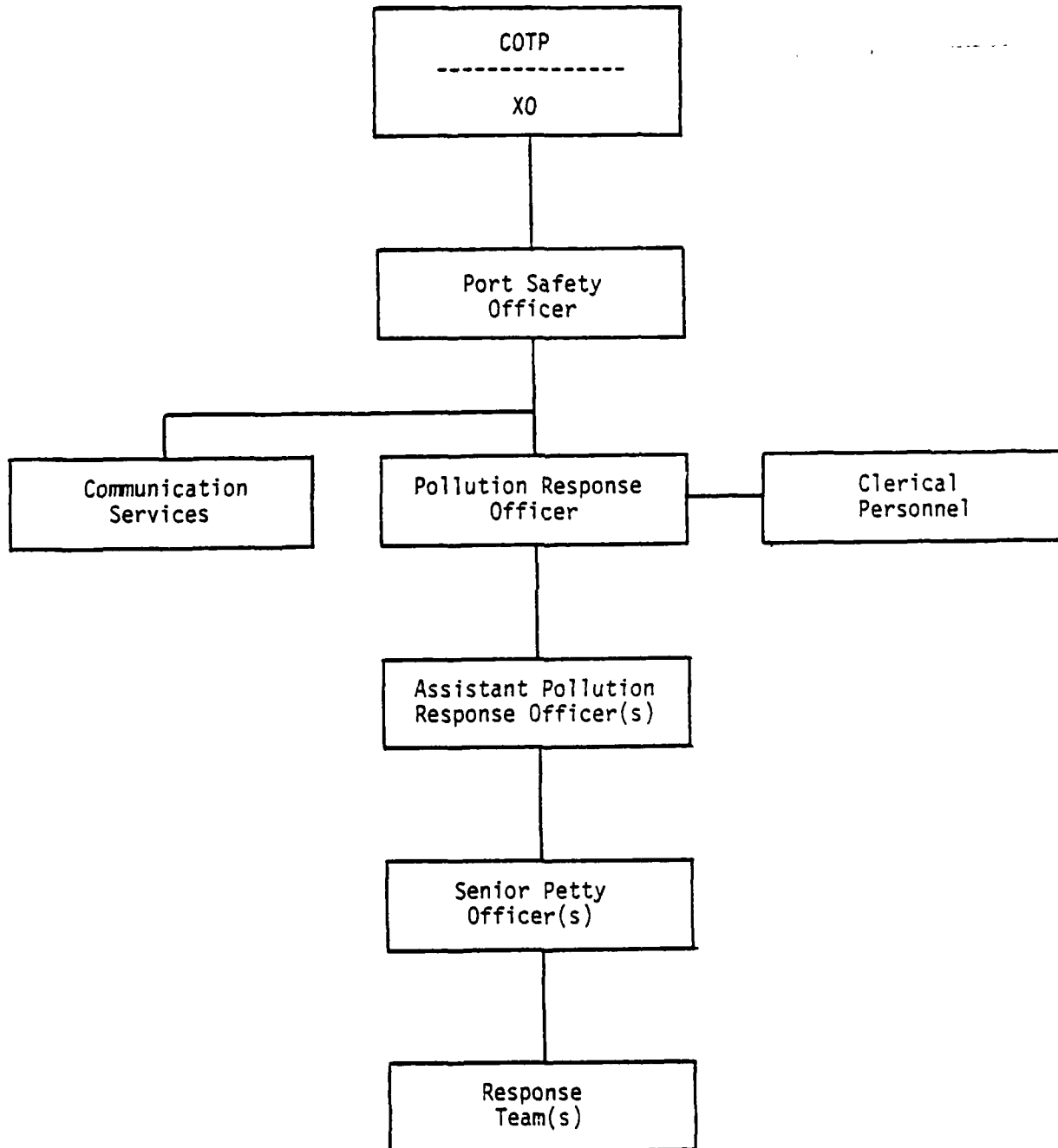
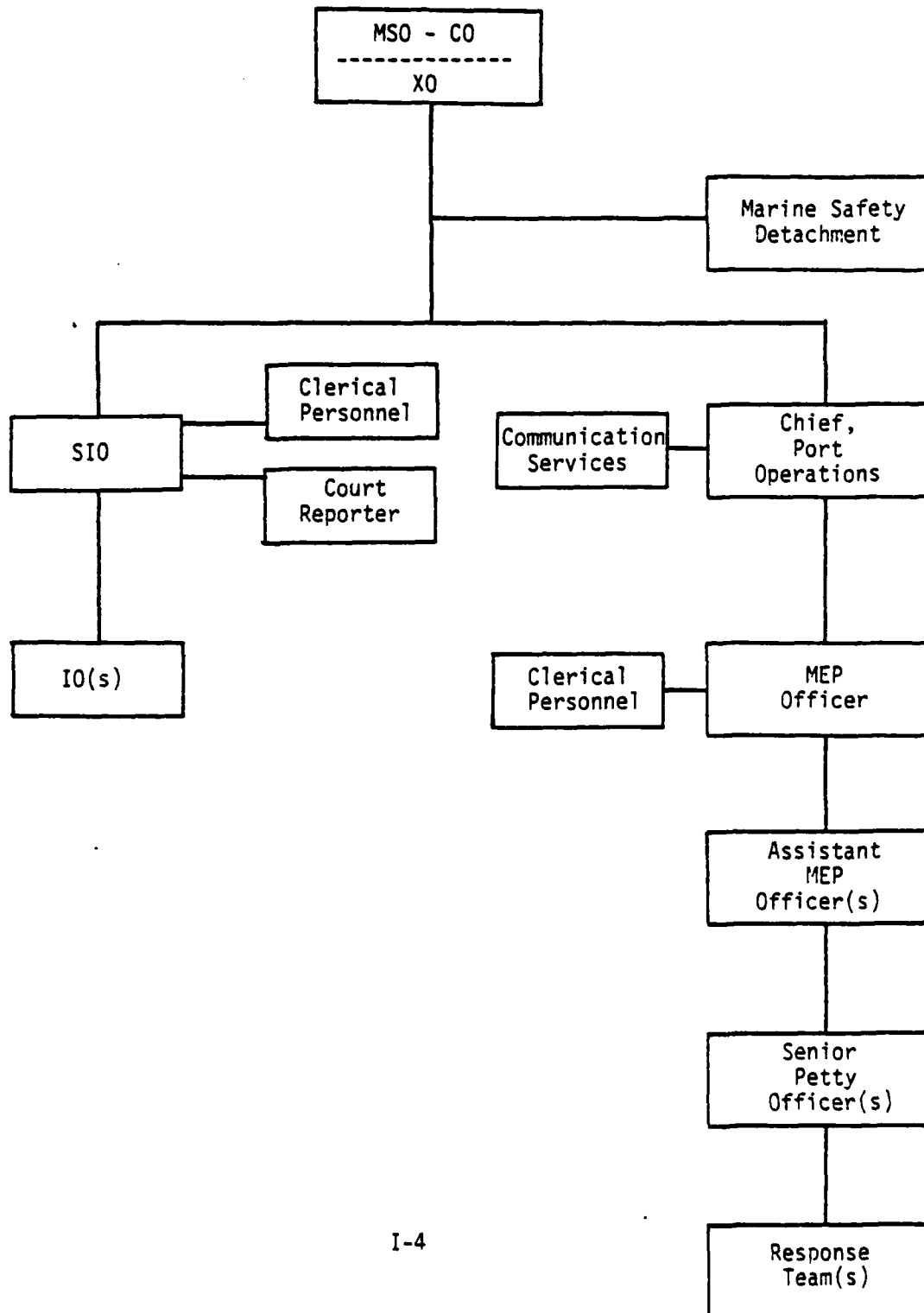


EXHIBIT I-3
Typical MSO Organization
for Investigation Activities



personnel investigations, recreational boating accidents and investigations to support Reports of Violation (CG-2636). The investigating department in the MIO does not conduct investigations of oil pollution incidents but may conduct investigations of the actions of documented or licensed seamen when there is evidence that their negligence, misconduct, or incompetence contributed to a pollution incident. The interaction between the MIO investigating office and the COTP office is primarily one of giving notice that an investigation is necessary. This may occur either through routine Port Safety activities (e.g., negligence in a pollution incident) or through message traffic that is received on communication equipment that is maintained and operated by the COTP office.

An additional element of the Marine Inspection Office organization reporting to the Executive Officer is the Marine Inspection Detachment. The detachment, while generally established for inspection activities, also performs the types of investigations normally performed by the MIO. The detachment may also perform oil pollution investigations. Investigations by detachments are normally conducted upon notification of an incident. A request for assistance may be addressed to the parent MIO or COTP office by the detachment if unable to respond due to insufficient resources.

The investigations conducted by the COTP organization are presently limited to those related to an oil pollution incident. Several COTP activities may generate Reports of Violation (CG-2636) through routine surveillance, monitoring and inspection functions, but discovery of these violations is the result of observation rather than investigation.

The first element in the COTP organization below the Executive Officer is the Port Safety Officer. The Port Safety Officer has responsibilities in various port activities in addition to pollution response and investigation. An important area relative to investigations is control of communication services which provides information for both COTP and MIO investigation activity. The Pollution Response Officer reports to the Port Safety Officer. He functions as the manager of the pollution response activities in the COTP area. His primary activities are administration and review. The Pollution Response Officer does not directly participate in an investigation unless a significant incident occurs. The Pollution Response Officer is generally supported by several

assistants. The assistants through a Senior Petty Officer provide direct supervision to the response teams and make specific incident assignments. A 24-hour responsibility is normally provided through the Assistant Pollution Response Officer level as either a duty assignment or on call basis.

The MSO organization is a combination of the organizations in the MIO and COTP. At the top level, the Captain of the Port and the Officer in Charge of Marine Inspection are replaced by a single Commanding Officer who performs both functions. There is a single Executive Officer rather than two which are found in the dual organization. There is a superficial difference in titles: the MSO Chief of Port Operations and MEP Officer, respectively, replace the Port Safety Officer and Pollution Response Officer in the Captain of the Port organization. Their duties are functionally the same. In most MSO's, the investigating office and port operations operate with the same level of independence that they do in the dual MIO/COTP organization. There are two MSO's (Tampa and Port Arthur) which perform oil pollution investigations in the investigating office. A few others have integrated investigating activities to a lesser degree, such as having reports of oil pollution investigations that are prepared by port operations personnel reviewed by the SIO.

The greatest difference in MSO organization is related to the investigative workload in the office. In smaller MSO's, there is a significant compaction of the organization. The Executive Officer may perform the duties of the SIO and investigations may be performed as a collateral duty of an officer whose primary assignment is as an inspector. On the port operations side, there may be only one officer (Chief, Port Operations) who is responsible for MEP activities as well as all other port operation activities.

Field units are under the control of the district office. Policy, procedure and instructions flow down from the district to the units. CVS investigative reports flow up from the units to the district office for review and endorsement before being passed on to Headquarters. The other investigations stop at the District except on appeal. Headquarters gets some copies for data systems. One exception to this is administrative

hearings under the suspension and revocation provisions of R.S. 4450. In these cases, investigating officers may interact directly with Headquarters personnel and the results of the investigation (warning letter or judge's decision) go to Headquarters with a copy to the district office.

District Office

Exhibit I-4 on page I-8 shows a typical District Office organization for investigation activities. The District Commander is the direct representative of the Commandant. As such, he is responsible for all Coast Guard activities within his district. The District Commander is supported by a Chief of Staff who assists the Commander in fulfilling his duties and is the immediate supervisor of the various division chiefs and staff officers in the district organization. One important responsibility of the District Commander is the endorsement of CVS investigative reports. The report becomes public information when endorsed by the District Commander unless the accident results in a death. Death cases must be endorsed by the Commandant before release to the public.

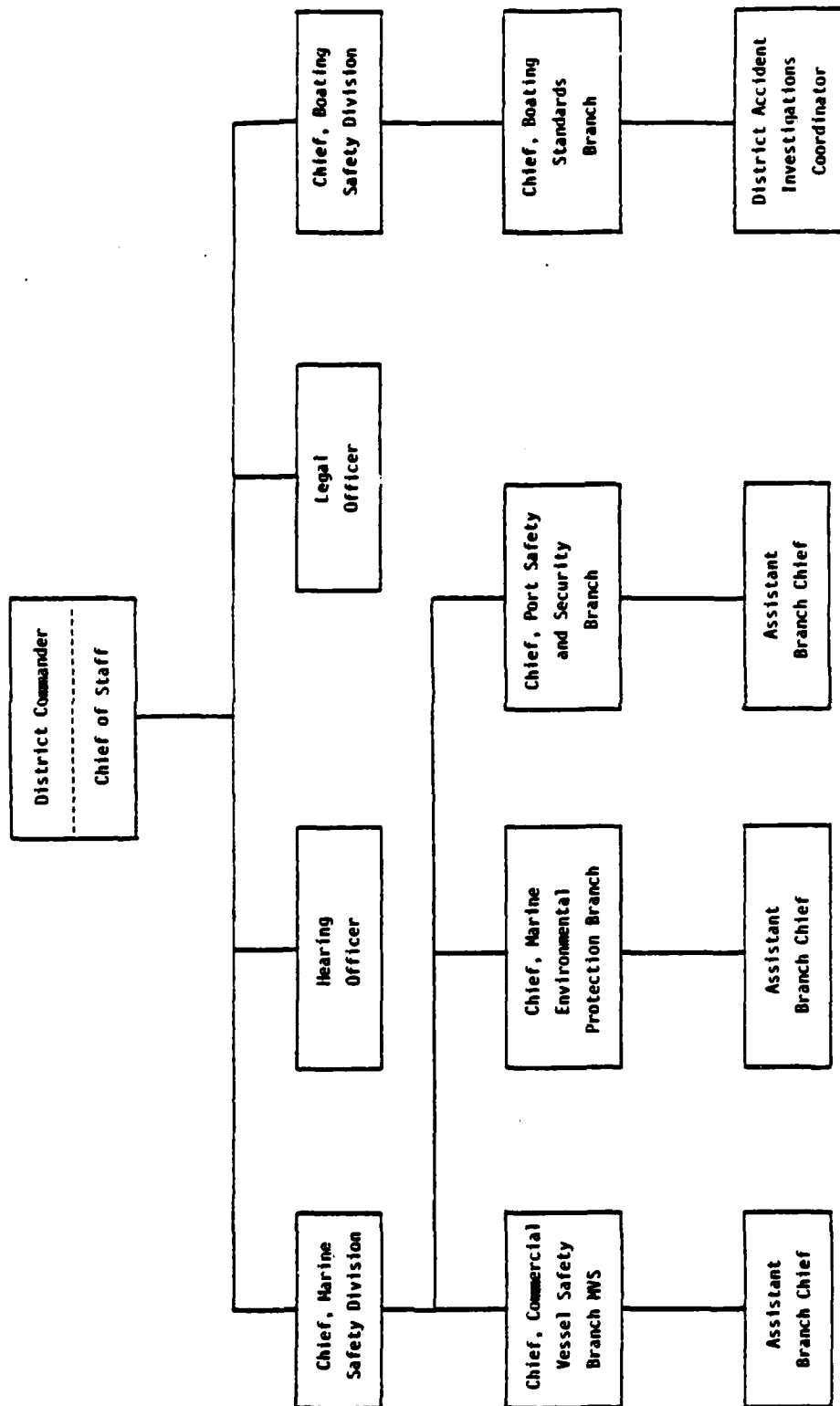
Relative to investigation activities, two Division Chiefs, Marine Safety and Boating Safety, and two staff officers, the Hearing Officer and Legal Officer, report to the Chief of Staff.

The Chief, Marine Safety Division, administers an integrated multi-program system encompassing Commercial Vessel Safety, Port Safety and Security, and Marine Environmental Protection in accordance with Headquarters and locally developed policies. Each of these program areas is represented by a Branch Chief reporting to the Chief, Marine Safety Division. Some districts may combine branch chiefs at this level, e.g., the eleventh district combines the MEP and PSS programs under one Branch Chief.

The primary activity of the Commercial Vessel Safety Branch in the investigative chain is the review and endorsement of investigation reports forwarded by the units. In most districts this review is performed by the Assistant Branch Chief, allowing the Branch Chief to concentrate on inspection activities. When the reports are approved, they are forwarded to Headquarters. The CVS Branch also reviews Reports of Violation (CG-2636) that are issued by unit inspection and investigation personnel

EXHIBIT I-4

Typical District Organization for Investigation Activities



to ensure that all elements of the violation are present. These cases are then forwarded to the District Hearing Officer. The district CVS staff is typically two officers plus civilian or enlisted clerical assistance.

The Marine Environmental Protection Branch reviews oil pollution incident reports forwarded by the units. The review is to determine that all elements of the violation are present and that the case is properly prepared and documented for presentation to the District Hearing Officer. The staff is also responsible for input into the Pollution Incident Reporting System. The organization to perform these functions normally includes the Branch Chief and the Assistant Branch Chief. Beyond these positions the organization is almost unique from district to district and may include titles such as Case Review Officer, PIRS Officer, Administrative Assistant, Pollution Response Officer, Pollution Control Officer, and MEP Officer.

The Port Safety and Security Branch does not get involved with reports of investigations but does review Reports of Violation (CG-2636) prepared by unit port operations personnel as a result of their inspection and monitoring activities. The review is to determine that all elements of the violation are present before presentation to the District Hearing Officer. People who may be active in the review process include the Branch Chief, the Assistant Branch Chief and in some districts the Cargo Section Officer.

The investigative duties of the Boating Safety Division include the review of recreational boating accident reports prepared by the units, assignment of nonfatal cases for investigation by units or BOSDET's, review of nonfatal boating accident reports prepared by BOSDET's, coordination with state and local investigators and in some cases actually conducting accident investigations. The Boating Safety Division also reviews reports of negligent operation prepared by the unit investigating office or BOSDET's. The organization that performs these activities varies from district to district. Data are presently available on the organization in eight of the twelve districts. Of these eight districts,

four have an officer assigned either full time or as a collateral duty as the District Accident Investigations Coordinator (DAIC). He is responsible for the district review and assignment functions. In two districts the DAIC reports to the Chief, Boating Standards Branch, and in the other two directly to the Boating Safety Division Chief. In districts that do not have a DAIC, the responsibilities are assigned to the Chief, Boating Standards Branch, and/or the Chief, Boating Affairs Branch.

The District Legal Officer furnishes legal advice upon the request of district or field unit personnel. He may if requested review investigation reports or Reports of Violation (CG-2636 or CG-4100).

The District Hearing Officer is responsible for the disposition of civil penalty cases presented to him by the district program managers. In all districts except the ninth, the Hearing Officer is a permanent full-time assignment. In the ninth district, branch chiefs act as hearing officers part time, handling cases outside of their own program area. This is a temporary measure until the district is able to comply with current Headquarters policy for assignment of a hearing officer on a full-time basis.

All district organizational elements have civilian or enlisted clerical support on either an assigned or shared basis.

Headquarters

The headquarters investigative functions fall into four broad categories: Regulation, Adjudication, Analysis, and Administration. The elements of these categories are:

Regulation: Headquarters promulgates regulations, interpretations of statutes and regulations, and policy for public guidance. The agency makes recommendations for legislative action.

Adjudication: Headquarters serves as the final Coast Guard appellate authority for appeals from the decisions and orders of Administrative

Law Judges and, in cases which are not appealed, may call these cases for review. Headquarters is also the final Coast Guard authority for appeals from the actions of District Hearing Officers. Requests submitted for administrative clemency are decided by the Headquarters Administrative Clemency Board.

Analysis: Data generated from investigative activities are analyzed in response to legislative mandates and in response to requests from other governmental agencies and from the public. Investigative data analysis is used for feedback to gauge the effectiveness of many of the Coast Guard programs.

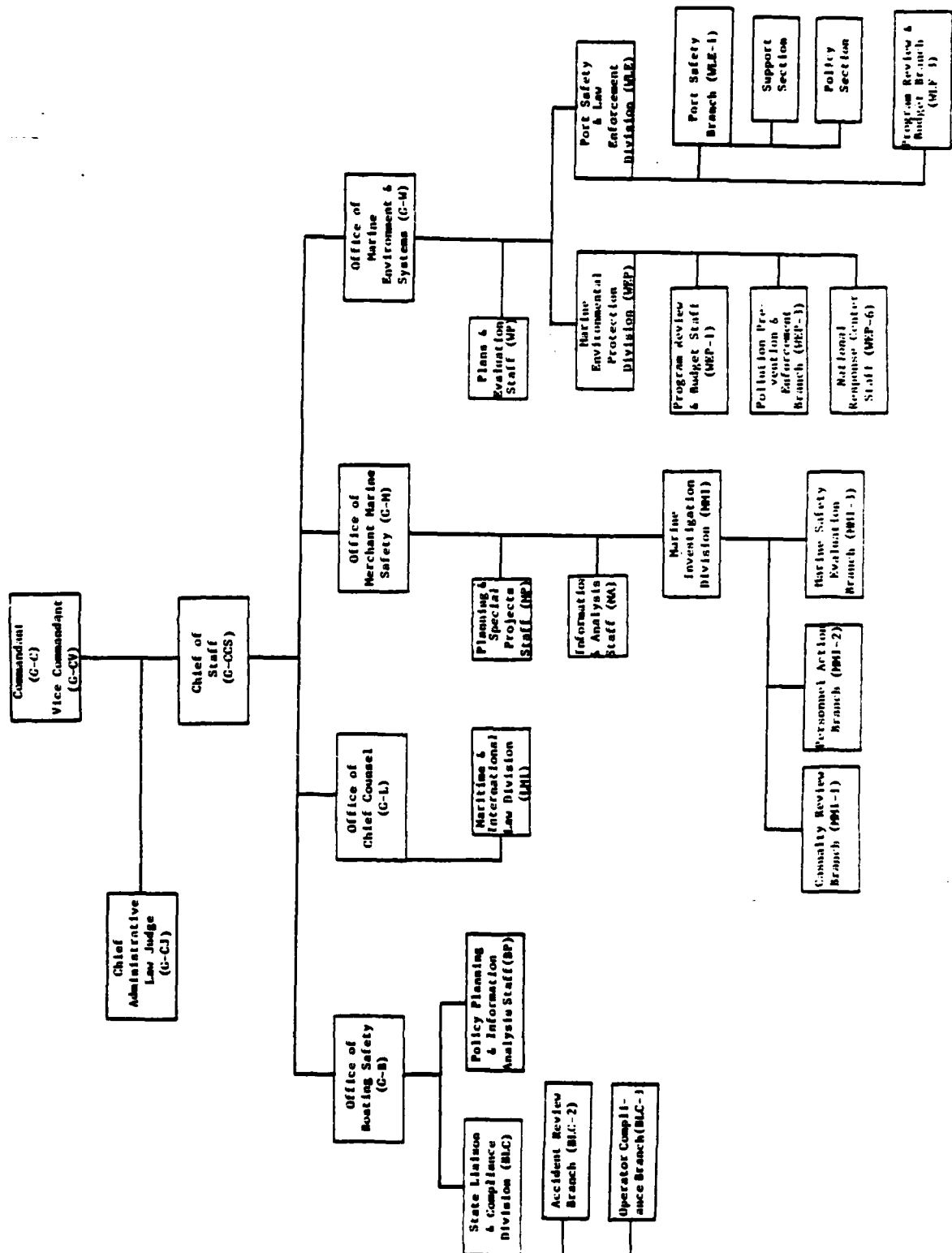
Administration: Headquarters administers the Coast Guard investigative efforts by formulating internal policy, procedures, and instructions. Training in investigation is either conducted or monitored by staff elements. Headquarters is also the final reviewing and approving authority for marine casualties involving death. Headquarters convenes Marine Boards of Investigations. Headquarters also formulates the Coast Guard response to recommendations which arise as the result of marine casualty investigations.

Exhibit I-5 on page I-12 shows the Headquarters organization of those offices involved in the investigative/adjudicative process. The Office of Boating Safety, Office of Merchant Marine Safety, and Office of Marine Environment and Systems are directly involved in the investigation role, while the Office of the Chief Counsel and Chief Administrative Law Judge utilize or provide guidelines for investigations and are involved in the adjudicative process.

The Office of Boating Safety (G-B) oversees the program for the prevention of recreational boat casualties, establishment of pleasure craft safety standards, and administers public education and training programs in boating safety. The State Liaison and Compliance Division (G-BLC) is responsible for boating casualty reporting systems and for coordinating boating accident investigative procedures and reports. Within this division, the Accident Review Branch (G-BLC-2) has the primary investigative role. G-BLC-2 is responsible for developing and maintaining standard procedures for reporting and investigating boating accidents, and

EXHIBIT I-5

Headquarters Organization for Investigative Activities



for reviewing all Boating Accident Reports (BAR's) and investigative reports. This branch also maintains a file of all BAR's and inputs data from the BAR's for computer processing. BOSTEAMS, field units involved in nonfatal boating accident investigations, are administered by the Operator Compliance Branch (G-BLC-3). The Policy Planning and Information Analysis Staff (G-BP) maintains the information system and programs which analyze data provided from BAR's processed by G-BLC-2, publishes annual boating statistics, and is responsible for boating safety program development and analyses to determine problems and needs for regulation and safety programs. The Boating Technical Division (G-BBT) conducts defect and non-compliance investigations.

The Office of Merchant Marine Safety (G-M) is responsible for commercial vessel investigations. Support services for this investigative function are provided by the Planning and Special Projects Staff (G-MP) and the Information and Analysis Staff (G-MA). The Marine Investigation Division (G-MMI) is responsible for developing, maintaining and administering an integrated investigatory and accident evaluation system for the Commercial Vessel Safety Program, and administers most of the day to day details of the investigation program. To this end, the Casualty Review Branch (G-MMI-1) reviews reports of marine casualties involving commercial vessels; the Personnel Action Branch (G-MMI-2) maintains and administers a program for taking remedial action against documents and licenses held by merchant seamen and other commercial vessel personnel, including maintaining and publishing the Seamen Wanted List and the Seamen Locator List, and maintains and administers a program for processing requests for reissuance of licenses and documents made to the Administrative Clemency Board; the Marine Safety Evaluation Branch (G-MMI-3) maintains and administers a program for the evaluation and analysis of causal factors related to marine casualties and accidents involving commercial vessels.

The function of the Office of Marine Environment and Systems (G-W) includes investigating incidents, accidents, or acts involving the loss or destruction of, or damage to structures which affect, or may affect, the safety or environmental quality of ports, harbors or navigable waters of the United States. The Plans and Evaluation Staff (G-WP) role in the

investigative process is developing and maintaining a management information system to evaluate the effectiveness of programs in the field, and to monitor and evaluate statistical data to assist other divisions in identifying significant changes in program inputs and outputs. Two divisions, Marine Environmental Protection (G-WEP) and Port Safety and Law Enforcement (G-WLE), are directly involved in the investigative process.

The overall role of G-WEP is to serve as program manager for the Marine Environmental Protection Program, coordinating and administering the prevention, enforcement and response activities within the areas of pollution from oil and hazardous substances, ocean dumping, merchant vessels and recreational boats. G-WEP also plans, budgets and manages the Coast Guard Marine Environmental Protection Activities to prevent, detect, assess and respond to pollution of the marine environment including enforcement of statutory requirements. Specific investigative functions within this office are accomplished by three branches: Program Review and Budget Staff (G-WEP-1), Pollution Prevention and Enforcement Branch (G-WEP-3) and National Response Center Staff (G-WEP-6). G-WEP-1 maintains the Pollution Incident Reporting System (PIRS) and prepares and promulgates statistical data on polluting incidents based on this system. G-WEP-3 plans, develops, implements, monitors, and directs the Coast Guard program to prevent and investigate pollution discharges in the marine environment. G-WEP-6 manages and operates the National Response Center to support the National Response Team in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan. G-WEP-6 receives telephone reports of discharges of oil or hazardous materials nationwide and then relays these reports to the appropriate field office for action.

The Port Safety and Law Enforcement Division (G-WLE) acts as the program manager for the Coast Guard Port Safety/Security Program, and administers federal maritime law enforcement mission areas not specifically assigned to other program managers. This office is responsible for developing plans for implementation, management, and enforcement of rules of the road for the prevention of collisions, and directs the activities of the Captain of the Port program. The Port Safety Branch (G-WLE-1) is

responsible for developing, implementing, managing, and monitoring functions administered by the Captains of the Port and Port Safety Stations, including:

- Administration of dangerous cargo regulations, boarding of dangerous cargo vessels for regulation compliance, and inspection of waterfront facilities in terms of safety and physical security.
- Enforcement of load line regulations.
- Enforcement of tank vessel regulations, including inspections aboard ships for compliance and monitoring of transfer operations.
- Investigation of accidents on structures on, in, or adjacent to the navigable waters of the United States.
- Reviewing output of the Violation Report System to ascertain effectiveness of current and proposed regulations.

In addition, the Policy Section of G-WLE-1 is responsible for maintaining the interim Marine Safety Information System (MSIS). The Program Review and Budget Branch (G-WLE-3) coordinates the planning for proposed Port Safety and Law Enforcement Program projects, and maintains statistical data on violations of law and workload reporting, periodically reviewing and analyzing this data and advising the program manager of trends.

The Office of the Chief Counsel (G-L) is involved primarily in the adjudicative process, utilizing investigation reports as the basis for decisions, but is also involved in an advisory capacity in the investigative process. G-L renders decisions on legal matters regarding law enforcement, port security and appeals, and serves as Chairman of the Marine Safety Council. The Maritime and International Law Division (G-LMI) serves the following functions:

- Provides legal counsel on the initiation and conduct of investigations of major marine casualties and reviews for legal sufficiency reports thereon, recommending action to be taken by the Commandant.
- Handles appeals by merchant seamen from orders of suspension or revocation by ALJ's under R.S. 4450 and drafts the Commandant's final decision.

- Considers and prepares final action on appeals from, and requests for, mitigation or remission of penalties administratively assessed by the Coast Guard.
- Furnishes legal counsel and renders opinions and decisions to Coast Guard officials in Headquarters and the field on matters involving maritime operations and activities.

The Chief Administrative Law Judge (G-CJ) administers and coordinates all matters concerning suspension and revocation proceedings against the licenses and documents of seamen and motorboat operators. Primary functions of the G-CJ office include:

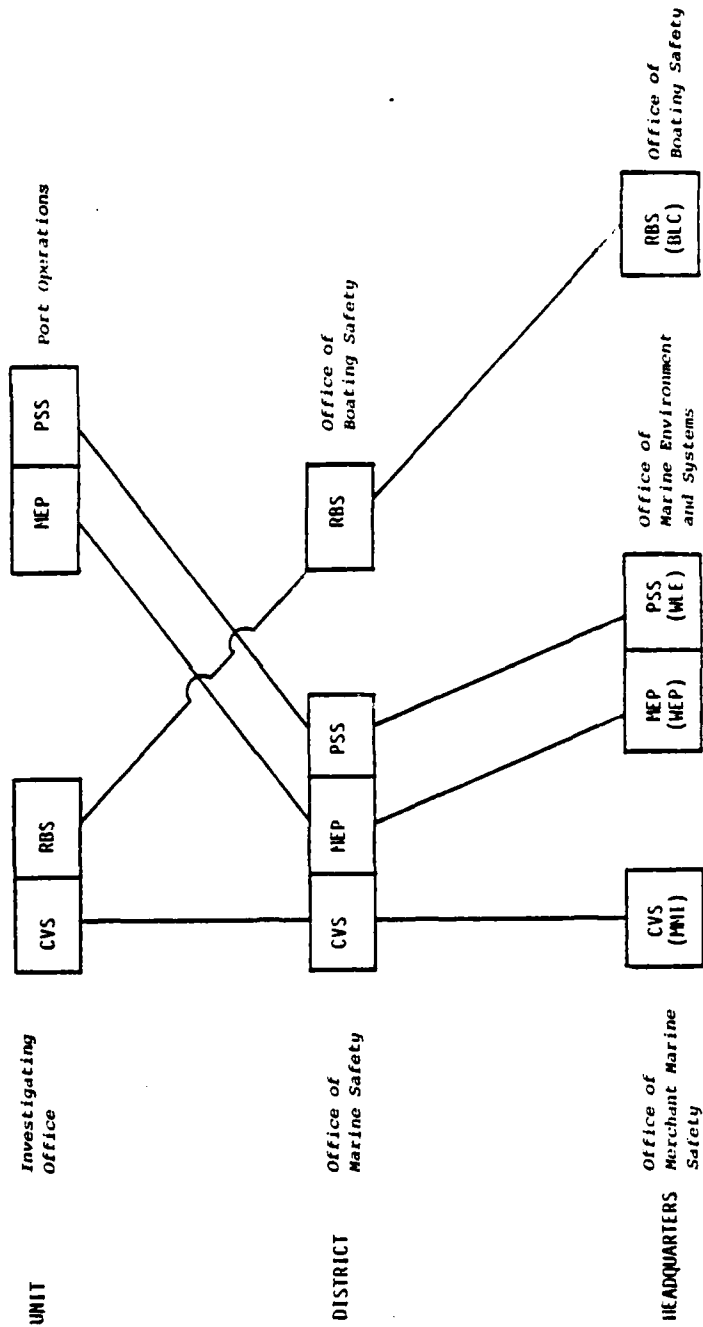
- Indoctrination of field ALJ's.
- Coordinate field ALJ activities and review field ALJ decisions to insure adherence to policy and compliance with regulations and instructions, and to secure a uniform level of performance efficiency by field ALJ's.
- Hear and adjudicate cases of special interest or complexity.
- Review appeals by merchant seamen from decisions of field ALJ's and make appropriate recommendations to the Chief Counsel.

Program Interaction Between Organization Levels

Exhibit I-6 on page I-16 describes organizational crossover and interaction of the several investigative/adjudicative processes involved in the four major programs between the field, or unit, district and Headquarters levels.

At the unit level, CVS and RBS programs are part of the investigating office, while MEP and PSS are generally assigned to port operations. At the district level, the Port Operations unit components, MEP and PSS, join with the CVS component of the unit-level investigating office to form the Marine Safety Division. The RBS program is split off into the Boating Safety Division. At Headquarters level, the RBS investigative program remains separate and is part of the State Liaison and Compliance Division (BLC) of the Office of Boating Safety. CVS programs are also separated and come under the auspices of the Marine Investigation Division (MMI) in the Office of Merchant Marine Safety. The Office of Marine Environment and Systems contains the MEP program in its Marine Environmental Protection Division, while PSS programs are part of the Port Safety and Law Enforcement Division of the same office.

EXHIBIT I-6
Program Interaction
Between Organization Levels



CURRENT MANPOWER UTILIZATION

The following paragraphs discuss manpower assignment and utilization in Coast Guard field units, district offices, and Headquarters.

Field Units

To determine manpower utilization in field units, each MSO, MIO, and COTP office in the continental United States was contacted and interviewed by telephone. This procedure was necessary because:

- The practice of local assignments of investigating officers and frequent changes in assignments to meet local operational and training requirements precludes maintaining specific duty assignment data at Headquarters.
- The limited number of units visited during this study was not felt to be an adequate basis for projecting manpower utilization throughout all units.
- Detailed and specific information that was desired could not be obtained from any other source.

The survey was initiated by an introductory letter from GMMI to each MSO, MIO and COTP office. The letter outlined the data requirements and stated that the office would be contacted by telephone to obtain the data. The telephone was used rather than a written reply to insure a timely response and to minimize misinterpretation of the requirements.

The data requested included:

- The name and rank of officers who have responsibility in investigative activity.
- The number of enlisted personnel who have responsibility in investigative activity.

- For each officer and enlisted person, the percent of their total time spent in the different types of investigations:
 - Commercial Vessel Casualties
 - Recreational Boating Accidents
 - Personnel Cases - RS4450
 - Civil Violations
 - Load Line Violations
 - Pollution Incidents
- For each officer, the length of time they have had their present duty assignment (i.e., as an IO)
- For each officer, the length of time until they expect to be reassigned
- The organizational location of oil pollution investigations.

The data obtained by this survey are shown, summarized by district, as Exhibit I-7 on page I-20. Data for the 17th District were furnished by letter after discussing the requirements with District Marine Safety personnel on the telephone. The data include personnel in Marine Safety and Marine Inspection Detachments but do not include personnel assigned to Boating Safety Detachments. It does not include clerical personnel.

There are basically two methods of assigning investigating officers, either full time or as a collateral duty. Generally in larger offices a full-time staff is assigned in an investigating office. Personnel assigned to the office work full time or 100 percent in the investigation area, and would be indicated by 12 man-months/year of activity (split up by the different types of investigations) indicated on Exhibit I-7. In some smaller offices, e.g., MSO Cleveland, investigations are a collateral duty. In these offices an officer may, for example, spend 70 percent of his time in other marine safety activities (inspection, licensing, etc.) and 30 percent in investigations. The individual in this example then would be indicated by 3.6 man-months/year on Exhibit I-7. There are presently 248 officers assigned to some level of investigative activity, who in total spend approximately 1,765 man-months/year or 59 percent of their time in investigations. It should be noted that the officers who participate in pollution investigations are normally assigned to Port Operations rather than to the Investigating Office. They are, however, included in the data shown in Exhibit I-7.

EXHIBIT I-7
Manpower Utilization in
Field Units Investigative Activities

Investigation Type District	Commercial Vessel Casualties		Recreational Boating Accidents		RS 4450*		Civil Violations 2636		Load Line Violations		Pollution*		Others*		Total Officers		Total Enlisted		Total	
	Officer	Enlisted	Officer	Enlisted	Officer	Enlisted	Officer	Enlisted	Officer	Enlisted	Officer	Enlisted	Officer	Enlisted	People	Man-Months	People	Man-Months	People	Man-Months
1	33.00	0.00	4.80	0.00	9.60	0.00	2.64	3.60	0.00	0.72	10.80	122.60	3.00	7.68	9	63.84	20	135.60	29	199.44
2	63.24	10.44	15.06	14.40	14.82	1.20	22.56	38.04	0.00	0.00	49.26	255.72	0.00	0.00	32	164.94	59	319.80	91	484.74
3	82.80	0.00	25.68	0.00	53.40	0.00	9.72	0.00	0.48	0.00	80.64	317.40	0.00	0.00	24	252.72	36	317.40	60	570.12
5	94.12	4.80	26.64	3.60	30.60	0.00	6.00	1.20	0.12	0.00	21.00	177.60	0.00	0.00	15	168.48	37	187.20	52	355.68
7	69.12	0.00	16.44	0.00	11.76	0.00	6.24	9.60	0.96	0.00	48.24	131.80	0.00	0.00	18	152.76	34	143.40	52	296.16
8	206.94	2.40	30.66	0.00	49.26	0.00	51.84	0.00	0.48	0.00	45.72	461.80	3.00	0.00	56	387.90	75	466.20	131	854.10
9	36.81	6.00	18.27	3.00	8.16	1.20	14.67	8.64	0.00	0.00	58.68	304.08	0.00	0.00	37	136.59	82	322.92	119	459.51
11	26.40	0.00	19.20	0.00	14.40	0.00	12.00	0.00	0.00	0.00	20.10	165.60	0.00	0.00	10	92.10	18	165.60	28	257.70
12	48.00	0.00	19.20	0.00	24.00	0.00	4.80	0.00	0.00	0.00	16.80	58.80	0.00	0.00	16	112.80	28	58.80	44	171.60
13	52.44	0.00	27.00	0.00	10.80	0.00	4.20	0.00	0.36	0.00	39.00	148.20	0.00	0.00	13	133.80	22	148.20	35	282.00
17	32.78	17.40	11.34	3.84	2.08	0.00	4.62	0.72	0.00	0.00	31.62	47.64	0.00	0.00	15	82.44	11	69.60	26	152.04
TOTALS	746.04	41.39	215.31	24.96	231.87	2.40	140.01	62.13	2.40	0.72	423.68	2206.27	6.00	7.68	248	1765.31	424	2345.55	672	4110.96

* Man-Months per Year

Source: Data collected via telephone and personal interviews.

The assignment of enlisted personnel in investigation activity is rarely full time. Enlisted personnel typically rotate periodically through assignments in boarding inspections, monitoring transfers and pollution response. Even if assigned full time in pollution response, their activities include cleanup as well as investigation. There are at present 424 enlisted people assigned to investigative activities, who in total spend approximately 2,346 man-months per year or 46 percent of their time in investigations.

Length of current assignments and expected time to reassignment for investigating officers were obtained during the telephone interviews. To get more data about experience and training, data was extracted from the Officer Assignment Data Card for each person assigned as an investigating officer. These cards were reviewed in the Office of Personnel at Coast Guard Headquarters.

Data describing the experience of personnel presently assigned as investigating officers, summarized by District, are shown in Exhibit I-8 on page I-22. The Present Assignment and Time to Reassignment columns in Exhibit I-8 refer to assignments as an investigating officer, not total time assigned to the office. The experience calculations were based on the percent of time spent in investigation activity, i.e., an officer with a 24-month period of assignment including investigations as a collateral duty 30 percent of his time would have a 7.2 month period of assignment as an investigating officer.

The OADC's did not provide sufficient detail to describe the length of assignments as investigating officers prior to their present assignment. The Previous Assignments in M-type Activities column includes previous experience in all marine safety functions, including previous assignments in the same office. The most often observed pattern of assignment was an assignment of 4 to 9 months as an investigating officer after having other assignments in the same MSO for 24 to 30 months.

EXHIBIT I-8

Experience of Personnel Presently
Assigned as Investigating Officers

District	Present Assignment (Months)		Time to Reassignment (Months)		Previous Assignments In M-Type Activities (Months)	Percent Previously SIO	Percent Previously IO
	SIO	IO	SIO	IO			
1	8.8	2.4	12.1	7.3	25.1	0.0	0.0
2	12.2	3.6	4.0	6.4	31.2	8.0	4.0
3	6.7	5.7	12.3	4.6	25.9	5.6	5.6
5	12.3	4.9	3.4	4.3	25.1	0.0	0.0
7	9.0	5.1	12.3	5.1	13.1	6.3	0.0
8	10.5	5.1	2.5	3.3	24.8	2.2	6.7
9	6.4	3.5	5.3	2.2	37.0	3.2	12.9
11	6.0	5.5	2.5	4.8	20.0	0.0	0.0
12	14.0	14.8	9.0	5.9	16.3	0.0	0.0
13	13.7	6.9	2.8	4.5	10.9	0.0	0.0
ALL	9.7	5.2	6.3	4.3	25.7	3.3	5.0

Source: Data collected via telephone, personal interview, and from OADC records.

Apparently, few people return to investigating officer duty after the first 3-year tour. This is shown in the next two columns of Exhibit I-8. These data do not indicate length of assignment but represent the number of people who indicated on their OADC that they had some previous experience as an SIO or IO.

Exhibit I-9 on page I-24 presents data about the training of investigating officers.

District

To determine manpower utilization for investigative efforts at the district level, a standard letter was sent to each district through G-MMI. Letter solicitation of information was deemed the preferred methodology to telephone contact in order to minimize singular questions and answers tailored to specific or unique circumstances in various districts.

The district-level investigative staffing information requested was follows:

- Rank and job title of each individual directly involved with investigations.
- Rank and job title of each individual indirectly involved with investigations (i.e., individuals handling or processing any investigation, including those from MIO and Boating Safety).
- Number and level (i.e., grade or rank) of civilian and enlisted personnel involved in investigation processing, and a brief description of their job function.
- For all of the above a notation as to the percentage of time spent on investigations or investigation processing.

In some instances districts were unclear as to the intent of the letter and telephone contact was made to clarify the desired information.

EXHIBIT I-9

Training of Personnel Presently
Assigned as Investigating Officers

District	College Degree		Attended MMS or MSBIC		Attended MEP School		Attended 10 School	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1	5	55.6	7	77.8	0	0.0	0	0.0
2	15	60.0	13	52.0	6	24.0	2	8.0
3	16	88.9	13	72.2	0	0.0	2	11.1
5	11	78.6	11	78.6	0	0.0	1	7.1
7	15	93.8	10	62.5	0	0.0	4	25.0
8	26	57.8	29	64.4	5	11.1	7	15.6
9	21	67.7	27	87.1	3	9.7	3	9.7
11	4	66.7	5	83.3	1	16.7	0	0.0
12	7	87.5	4	50.0	0	0.0	0	0.0
13	8	80.0	6	60.0	1	10.0	1	10.0
All	128	70.3	125	68.7	16	8.8	20	11.0

Source: OADC records

Also, those districts with manning time percentages which appeared to radically deviate from a norm established by replies from all the districts were recontacted by telephone to verify data collection procedures.

The data collected by this survey are shown, summarized by district, as Exhibits I-10 through I-14 on pages I-26 through I-30. Each of the four programs involved (MEP, PSS, CVS, and RBS) has been charted separately for clarity, and an additional chart, Exhibit I-14, has been included for personnel with investigative involvement crossing program lines, either at the division or district level.

These manning charts are, for the most part, straightforward and self-explanatory. However, two districts differ from the others in program delineation. Both the 11th district and the 12th district combine MEP and PSS programs. Personnel from these two districts with combined duties are so annotated, and time percentages for them on the separate MEP and PSS charts reflect this double duty (i.e., the percentages have not been halved, but rather represent total investigative time percentages for both programs).

It should also be noted that these charts are a documentation of current personnel and corresponding time percentage involved in district investigative functions. By themselves they are not really an analytical tool, but rather serve as a benchmark and will be utilized in conjunction with other data for analytical purposes.

EXHIBIT I-10- MEP

USCG District	COAST GUARD PERSONNEL													Totals	
	0-6	0-5	0-4	0-3	0-2	0-1	MO	0-6	E-6	E-5	E-4	E-4	E-4	People	2
1	DC-5:	DC-5:	ABC-50							YN 1-45:	YN 1-45:	YN 1-45:	YN 1-45:	5	150
2		DC-10			1-100:	1-100:								3	210
3			BC-15:	ABC-15:	1-95:						YN 1-95:	YN 1-95:	YN 1-95:	5	315
5		DC-20:		ABC-70:	1-45:									4	145
7		1-5:		1-90:							YN 1-30:	YN 1-30:	YN 1-30:	4	215
8		DC-15:			ABC-75:	1-100:								4	215
9		DC-40:	ABC-60:		1-30:	1-10:				YN 1-70:	YN 1-85:	YN 1-85:	YN 1-85:	8	395
11			DC (MEP & PSS)-5:	ABC (MEP & PSS)-5:	1-51:									3	61
MEP/PSS 12		DC (MEP & PSS)-6:		1-31:	1-3:	1-31:				YN 1-25: (MEP & PSS)	YN 1-25: (MEP & PSS)	YN 1-25: (MEP & PSS)	YN 1-25: (MEP & PSS)	8	176
13		DC-18:		1-60:		1-75:								3	151
14				DC-20:						YN 1-20:				2	40
17					1-65:						YN 1-20:	YN 1-20:	YN 1-20:	2	115
Total	1-5	8-119	4-130	1-263	9-474	4-228	0	0	3-115	2-95	5-275	2-50	6-146	51	2160

MEP: Division Chief ME - Branch Chief AM - Assistant Branch Chief MO - Hearing Officer

USCG District	COAST GUARD PERSONNEL													Totals
	0-6	0-5	0-4	0-3	0-2	0-1	MO	>E-6	E-6	E-5	E-4	<E-4	People	
1	DC-5		BC-50							YN 1-65			3	120
2														
3		BC-40		1-30									4	230
5														
7			CV/PS BC-10	1-25									3	50
8		BC-52		1-10						YN 1-15			3	30
9		BC-15		ABC-30	1-20			YN 1-50		YN 1-50			5	165
11			BC(PSS & MEP)-51	ABC(PSS & MEP)-52	1-25								3	35
12		BC-62 (MEP/PSS)		1-3	1-3			YN 1-25 (MEP/PSS)				YN 1-25 1-25 (MEP/PSS)	7	173
13		BC-5		1-30 1-15									3	50
14						BC-10				YN 1-10			2	20
17					ABC-25					YN 1-5			2	30
Total	1-5	5-71	3-65	8-140	4-73	1-10		2-75	2-55	3-90	2-50	4-261	15	903

YN = Division Chief BC = Branch Chief ABC = Assistant Branch Chief MO = Hearing Officer

USCG District	COAST GUARD PERSONNEL													CIVILIAN	Totals	
	0-6	0-5	0-4	0-3	0-2	0-1	MO	E-6	E-6	E-5	E-4	E-4	E-4		People	%
1	UK-10		BC-35											1-GS-5 (Secy)-30	3	75
2			BC-40												1	40
3		BC-65			ABC-65										2	130
5		PMIBC-1	IRILLSCMH-1	BC-50Z ABC-80Z PHI-12 PHI-12										1-GS-12 (Elec Eng/PHI)-12 1-GS-4 (Clk/Typ)-40%	8	175
7			CV/PS BC-20			1-85								1-GS-5 (Clk)-35%	3	140
8			ABC-30			1-20								1-GS-4 (Clk/Typ)-30% 1-Student/Summer Aide-50%	4	130
9		BC-20Z				1-20								1-GS-4-25%	3	65
11				BC-5Z											1	5
12			BC-17											1-GS-5 (Clk/Typ)-20%	2	37
13				BC-60Z					YN 1-50Z			YN 2-45Z		1-GS-4 (Secy)-30% 1-GS-4 (Secy)-25% 1-Student Aide-90	7	345
14	DC/BC 5													1-GS-5 (Secy/Steno)-5%	2	10
17				BC-50	1-25							YN 1-15			3	90
Total	2-15	3-10	6-143	7-247	2-90	3-125	0	0	1-50	0	3-105	0	0	12-181	39	1242

BC = Division Chief BC = Branch Chief ABC = Assistant Branch Chief MO = Hearing Officer

USCG District	COAST GUARD PERSONNEL												CIVILIAN	Totals	
	0-6	0-5	0-4	0-3	0-2	0-1	MO	1-E-6	1-E-6	1-E-5	1-E-4	1-E-4		People	2
1	DC-2:			DAIC-5:						YN 1-2:				3	9
2		MO-14:	Btg Affr BC-3:										1-GS-9 (Btg Safety Maint Spec)-60: 1-GS-3 (Temp Clk/Typ Summer)-90:	4	167
3	DC-5:				DAIC-75:								1-GS-3 (Clk/Typ)-75:	3	155
5	DC-5:			Btg Affr BC-15:				1-E-6-37 (BOSDET)	1-E-6-37 (BOSDET)	1-E-6-37 (BOSDET)	1-E-6-37 (BOSDET)	1-E-6-37 (BOSDET)	1-GS-11 (BC, Btg Stds)-10:	16	76
7						1-60:				YN 1-80:				2	140
8		1-8:					1-CHD-15: 4-CHD 15: 1-CHD 5: 1-CHD 5: (BOSDET) (CO)	5-CHD 5: 1-CHD 5: (BOSDET) (CO)	5-CHD 5: 1-CHD 5: (BOSDET) (CO)	5-CHD 5: 1-CHD 5: (BOSDET) (CO)	5-CHD 5: 1-CHD 5: (BOSDET) (CO)	5-CHD 5: 1-CHD 5: (BOSDET) (CO)	1-GS-4 (Typ)-10: 1-GS-11 (Btg Accd Prog. Adm)-95:	14	188
9	DC-5:					DAIC-20:		1- (clk)-20:	1- (clk)-20:				1-GS-7-70: 1-GS-5-70: 1-GS-4-85: 1-GS-2 (Temp)-90:	7	360
11	DC-2:		Btg Stds BC-10:		Btg Affr BC-15:		CHD-15: 4-CHD 15: 1-CHD 5: 1-CHD 5: (BOSDET) (CO)	4 BWC-01:	4 BWC-01:		YN 15:	15 people Btg Sfty 01:	2-GS-11 (Eng. Techs)0102	27	83
12	DC-2:		Btg Affr BC-2:		DAIC-52:								1-GS-5 (Clk/Typ)-1:	4	10
13	DC-10:				Btg Affr BC-70:			QC-1-10 (Btg. Ed)	QC-1-10 (Btg. Ed)		YN 2-45	SNW 1-50:	1-GS-11 (DAIC)-20: 2-Student Aides-90:	9	430
14				Btg Affr BC-40:			Btg Stds BC-CHD 10:			YN 1-80:				3	130
17						Btg Affr BC-25:				YN 1-5				2	30
Total	7-31:	2-22:	3-15:	3-60:	4-151:	4-120:	5-36:	19-82:	4-28:	9-18:	3-105:	16-65:	16-876	94	1778

DC - Division Chief BC - Branch Chief ABC - Assistant Branch Chief MO - Hearing Officer

EXHIBIT I-14- DISTRICT/MSD

USCG District	COAST GUARD PERSONNEL												CIVILIAN		Total	
	0-6	0-5	0-4	0-3	0-2	0-1	MO	>E-6	E-6	E-5	E-4	<E-4			People	%
1 Boston																
2 St. Louis		MO-100											MSD-1-GS-5 (Secy/Steno)-50% MSD-1-GS-4 (Clk/Typ)-100%		3	250
3 NY		MO-852											MSD-1-GS-5 (Secy)-50%		2	115
5 Pittsmt VA	UC-25		MO-60	Law Spec 1-50									1-GS-6 (Documents Exempt(dmb))-10% 1-GS-4 (Clk/Typ)(dmb)-55%		5	200
7 Miami																
8 New Or-1																
9 Cleveland	UC-5	1-100(1) 1-70(2) 1-10(3)											(1) CDS ACT(MO for MEP, PSS, RBS)-10% (2) PSSUC(MO for CBS, MEP, RBS)-70% (3) MEPUC(MO for CBS, PSS, RBS)-10% 1-GS-10(MO for all programs)-100%		5	195
11 Long Beach	UC-15	Legal Offic 4	Asst Reg. Ofc 1-6, 1-8			CMO4- Admin Asst 50%		YN 1-80% 1-18	YN 1-10				1-GS-4 (clerk)-80%		11	312
12 San Fran																
13 Seattle	UC-5 MO-5			MO-80									1-GS-6(MO)-80%		4	170
14 Hawaii											YN 1-100				1	100
17 Alaska			MO-100						YN 1-100				1-word processor up-70		3	270
Total	5-41	6-279	4-174	1-180	0	0	1-50	0	2-105	2-98	2-110	0	9-595		34	1632

DC - Division Chief BC - Branch Chief AUC - Assistant Branch Chief MO - Hearing Officer

Headquarters

Four offices at Headquarters handle investigations and investigation-related matters. They are: the Office of Merchant Marine Safety (G-M), the Office of Marine Environment and Systems (G-W), the Office of Boating Safety (G-B), and the Office of the Chief Counsel (G-L). While each office is involved in the investigation process, there is usually a division or branch within each office which is primarily involved with investigations, and the rest of the office is only involved in a peripheral way. Manning levels in these peripherally involved divisions and branches are difficult to quantify, and of necessity will be described in more general terms than those directly involved.

In the Office of Merchant Marine Safety (G-M), three divisions have investigation-related functions. The Planning and Special Program Staff (G-MP) provides planning and support for the Commercial Vessel Safety Program; the Information and Analysis Staff (G-MA) maintains and administers a program for the analysis of marine casualties and accidents involving commercial vessels; the Marine Investigation Division (G-MMI) maintains and administers an investigatory and accident evaluation system for the CVS Program.

According to G-MP, their involvement in the investigation process is minimal, and in fact the removal of investigatory functions would have no impact on the staff.

G-MA personnel, both Coast Guard and civilian, involved in investigation functions are listed below, with number, rank or grade, and percentage of time spent on investigation matters:

- 1 CDR - 50%
- 2 LT - one 50%, one 10%
- 1 ENS - 95%
- 3 enlisted - one 60%, one 50%, one 30%
- 6 civilian -
 - 2 professionals (GS-7 or above): one statistician - 90%
 - one program analyst - 5%
- 3 coding clerks - 50% - 75% each
- 1 typist - 50% - 75%

G-MMI has three branches involved in investigations. The Casualty Review Branch (G-MMI-1) investigates and reviews marine casualties involving commercial vessels. The Personnel Action Branch (G-MMI-2) administers the program for taking action against documents and licenses of merchant seamen and other commercial vessel personnel. The Marine Safety Evaluation Branch (G-MMI-3) evaluates causal factors in marine casualties and commercial vessel accidents. Personnel in these offices are involved full time in the investigatory process, and ranks or grades are as follows:

- | | | |
|------------|------------|------------|
| • MMI-1 | • MMI-2 | • MMI-3 |
| 1 CDR | 1 CDR | 1 CDR |
| 2 LT | 1 LT | 1 LT |
| 1 ENS | 1 CPO | 1 civilian |
| 3 civilian | 1 YN2 | GS-12 |
| 1 GS-4 | 2 civilian | |
| 1 GS-3 | 1 GS-7 | |
| 1 GS-6 | 1 GS-4 | |

The Office of Marine Environment and Systems (G-W) also has three divisions involved in the investigatory process. The Plans and Evaluation Staff (G-WP) maintains a management information system and monitors and evaluates statistical data in order to identify changes in program inputs and outputs. The Marine Environmental Protection Division (G-WEP) serves as the program manager for the Marine Environmental Protection Program,

administering prevention, detection, assessment, enforcement and response activities in pollution areas. The Port Safety and Law Enforcement Division (G-WLE) is the program manager for the Port Safety and Security Program, and administers federal law enforcement functions in that area, and directs the activities of the Captain of the Port Program.

Investigation involvement of G-WP is minimal. This also applies to two branches within G-WEP: Pollution Prevention and Enforcement Branch (G-WEP-3) and the National Response Center (G-WEP-6). While involvement is minor to negligible, there is some involvement in investigations; the amount or manning level is not significant enough to quantify.

The Program Review and Budget Staff (G-WEP-1) maintains the Pollution Incident Reporting System (PIRS), and prepares statistical data on polluting incidents based on PIRS. Personnel involved, and percentage of time spent on investigation-related functions, are as follows:

- 1 LCDR - 15%
- 1 LTJG - 50%
- 6 civilian
 - 4 system operators - total of 5%
 - 1 programmer - 75%
 - 1 unspecified manager - 100%

The Port Safety and Law Enforcement Division (G-WLE) manning level for investigatory functions cannot be broken down into specifics. One-half to one man-year of investigatory involvement is spread over the whole division; when new waterfront facility regulations take effect, this will probably increase. As it is now, individual involvement in the investigatory area is not great enough nor consistent enough to quantify.

In the Office of the Chief Counsel (G-L), the Maritime and International Law Division (G-LMI) is involved in investigation proceedings. G-LMI becomes involved when investigations result in penalties which are appealed and when suspensions or revocations of Merchant Mariner's licenses or documents are appealed. Personnel involved are as follows:

- 1 CDR (lawyer) - 25% - 33%
- 1 LCDR (lawyer) - 33%
- 2 LT (lawyer) - 66%
- 8 civilian
 - 1 GS-14 - 50% - 75%
 - 1 GS-14 - 50%
 - 1 GS-9 - 80%
 - 2 part-time law clerks - 100% (25-30 hours each during school year, 39 hours each in summer)
 - 3 secretaries - 1.5-2 man-years typing up appeals

The primary investigatory function of the Office of Boating Safety (G-B) lies in the reporting and investigation of boating accidents and the publication of boating statistics. The Policy Planning and Information Analysis Staff (G-BP) publishes the statistics, while boating accident investigation is the jurisdiction of the State Liaison and Compliance Division (G-BLC). Within this division, the Boating Accident Review Branch (G-BLC-2) directs the National Boating Accident Reporting System which includes 56 state and territorial reporting jurisdictions, directs the investigative efforts of the Coast Guard in recreational boating accidents, serves as the final reviewing authority for recreational boating accident investigations, codes both BAR's and investigative reports into data base computer system, and evaluates causal factors in recreational boating accidents. G-BLC-2 staff devotes 100% of their time in investigation related matters and is as follows:

- 1 Branch Chief (civilian) GS-12
- 1 Assistant Branch Chief GS-6
- 1 Coding Clerk GS-4
- 1 Typist GS-4

As is the case with other offices, divisions within the Office of Boating Safety which are not directly involved in the investigation process are difficult to quantify in terms of manning levels and time spent on investigation duties. G-BP maintains the data base management systems and provides computer output runs for research and analysis efforts, and is involved on an annual basis in compiling and publishing boating accident statistics. This annual effort requires approximately 200 man-hours.

BLC-3 becomes involved in investigation matters when G-BLC-2 forwards cases of special interest, and their investigative role can be described as minor to negligible.

COMMERCIAL VESSEL CASUALTY INVESTIGATIONS

The authority for Coast Guard investigation of commercial vessel casualties is in Title 46, United States Code, Part 239, and supporting regulations in Title 46, Code of Federal Regulations, Part 4. An investigation is performed by the Coast Guard when a casualty results in:

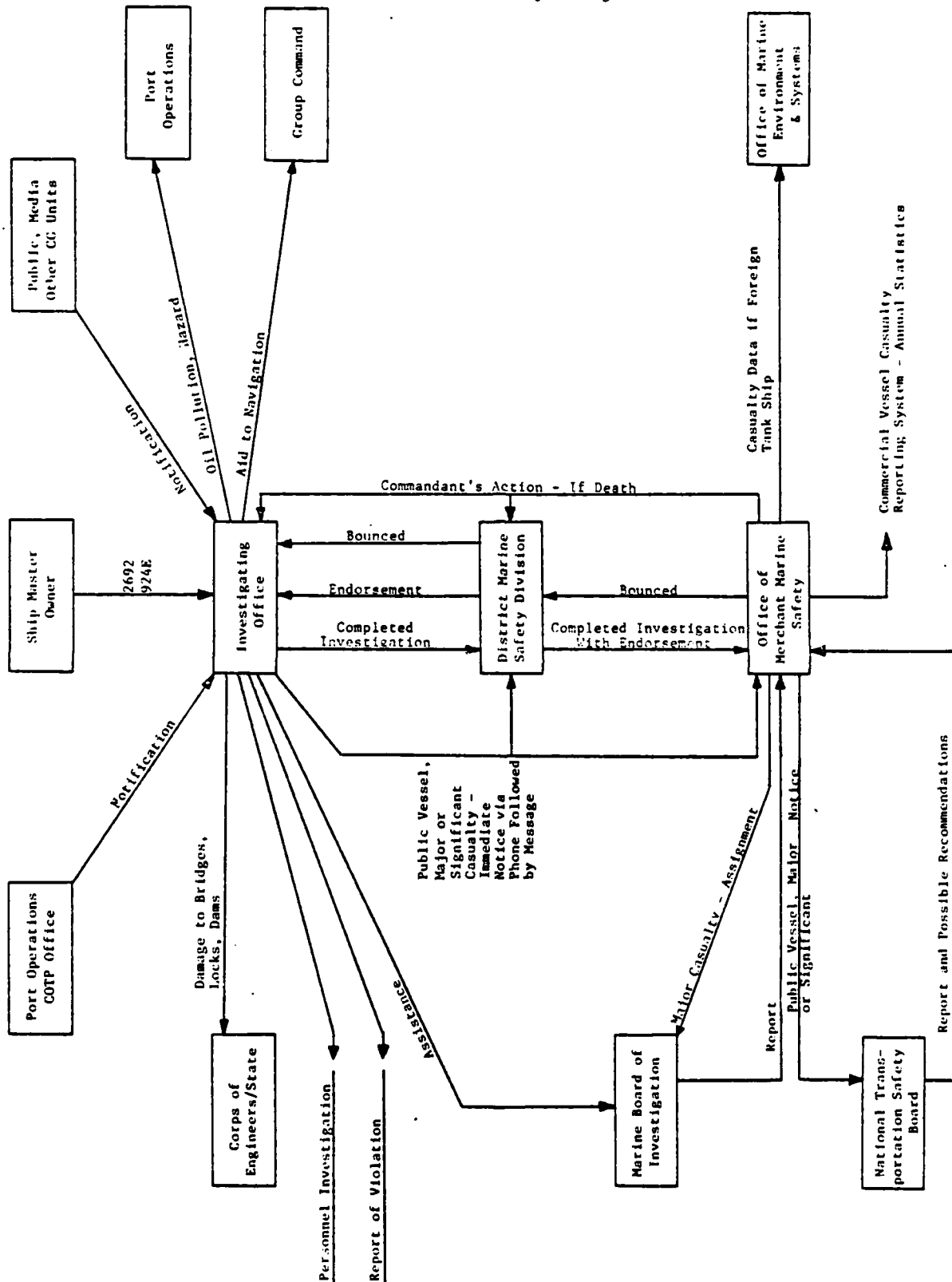
- Physical damage to property in excess of \$1,500
- Material damage affecting the safe or efficient operation of a vessel
- Stranding or grounding
- Loss of life
- Injury causing incapacitation in excess of 72 hours.

The goal of casualty investigations is to determine the cause of the casualty as precisely as possible. The results of investigations are reviewed and statistically analyzed in hope that similar casualties can be prevented. The investigation of commercial vessel casualties accounts for more than 50 percent of the activity of the investigating offices in the MSO/MIO's. All commercial vessel casualty investigations conducted by the Coast Guard are performed by the investigating offices except those major casualties that are conducted by a Marine Board of Investigation.

The flow of investigations through major organizational elements is shown in Exhibit I-15. on page I-37. and is discussed in the following paragraphs.

EXHIBIT I-15

Commercial Vessel Investigation Flow Through Major Organizational Elements



Notification

Title 46, Code of Federal Regulations, Subpart 4.05, requires the owner, agent, master, or person in charge of a vessel involved in a marine casualty to give notice to the Coast Guard Marine Inspection Office as soon as possible. A material casualty is reported on the Report of Vessel Casualty or Accident (CG-2692). An injury or death is reported on the Report of Personal Injury or Loss of Life (CG-924-E).

Receipt of these reports will initiate an investigation. In many cases the Coast Guard investigating office is aware of the casualty and has initiated an investigation before these reports are received.

Around-the-clock communications are maintained by port operations in MSO's or COTP offices. Messages regarding casualties are relayed to the investigating office during regular office hours. It is normal practice for an Investigating Officer to review message traffic the first thing in the morning to see if any casualties occurred during the night. Larger investigating offices assign an investigator on duty 24 hours to respond to circumstances requiring immediate attention. Smaller offices will have an officer on call during evening and night hours. Port operations personnel will call this officer if an emergency situation occurs.

The investigating office may also learn of a casualty from other Coast Guard units, e.g., SAR, from television, radio, and newspapers, and from the general and maritime public.

Investigation

As stated, the primary goal of the investigation is to determine the cause of the casualty. The investigation is not conducted to determine civil or criminal responsibility. The casualty investigation may determine that violations of law have occurred. If these violations are covered by Coast Guard civil penalty or suspension and revocation procedures, a separate (but perhaps concurrent) investigation will be conducted. These

procedures are discussed in other sections of this report. If the investigation discovers criminal liability of laws enforced by the Coast Guard, the evidence is referred to the U.S. Attoreny via the district commander. Evidence of violation of federal or state laws not enforced by the Coast Guard will be referred to the appropriate federal agency (FBI, DEA, Customs) or state or local police. These referrals are generally made via or with the approval of the district commander.

When a major, public owned or significant casualty occurs, the Investigating Officer must report the essential facts to the Commandant (G-MMI-1) immediately. This notice is normally given by phone, followed by a message. This allows Headquarters staff to give prompt notice to the NTSB in cases where such notice is warranted. A significant casualty includes cases of:

- Multiple loss of life resulting from a vessel casualty.
- Single loss of life resulting from a vessel casualty caused by unusual circumstances.
- A marine casualty likely to receive national press coverage.
- A threat or potential hazard to life and property as a result of a casualty.
- Loss of an inspected vessel.
- A casualty which, based on the investigator's judgement, is significant.

The Investigating Officer will notify the Corps of Engineers and/or state officials if the casualty involves damage to bridges, locks, or dams. If the casualty involves the release of oil or hazardous substances into the water or air, the Investigating Officer will notify Coast Guard port operations and appropriate federal/state/local officials.

In conducting the investigation, the Investigating Officer collects the facts relevant to the case by correspondence, telephone, and personal interviews, signed or unsigned statements, interrogatories taken under oath or not under oath, and by any other appropriate means necessary or

available to him. He may issue subpoenas to compel testimony of witnesses and issue *subpoenas duces tecum* to obtain documentary evidence. Except in cases of little significance, he will visit the scene of the casualty or the vessel(s) involved.

There are four levels of investigation/reporting used for reportable commercial vessel casualties:

- Informal without narrative
- Informal with narrative
- One-man formal
- Marine Board of Investigation.

The level that will be used for a particular investigation depends on the gravity and complexity of the casualty, the publicity associated with it, and the importance of the information that may be developed. The decision to convene a Marine Board to conduct an investigation is made by the Commandant. The level used for investigations, other than Marine Boards, is a local decision generally made by the Senior Investigating Officer. In some cases, the Executive Officer, Commanding Officer, or District Commander will specify the level to be used for a particular case. The level generally is an indication of the depth of an investigation and the time required to complete it.

An informal investigation without narrative is used when the cause of the accident or casualty is self-evident from information contained in the report form (CG-2692, CG-924-E) or other investigation. The cases are generally of little significance to the Coast Guard and the cause and action taken or recommended can be simply stated. In these cases, the forms and a letter of transmittal stating the facts in the case are sufficient to close the case. This level may not be used, i.e., a narrative report is required, for death cases. The contents of a letter of transmittal are described in Volume V of the Marine Safety Manual - 72-5-5.

A narrative report following an informal investigation is used when the facts developed by the investigation cannot be conveniently included in a letter of transmittal. The report is in letter form and includes findings of fact, generally in chronological order, conclusions, and recommendations. Reports often include documentary evidence and statements of witnesses. The contents and format of narrative reports are described in Volume V of the Marine Safety Manual - 72-5-15.

The one-man formal investigations are used for more complex investigations that require substantial testimony and often opposing views by different parties. The investigation follows the hearing room type inquiry in which all parties in interest have an opportunity to be present and exercise their rights. All testimony is taken under oath and the proceedings are recorded verbatim. The Investigating Officer presides over the hearing and prepares a narrative report at the conclusion. The one-man formal investigation is under the chain of command for the unit conducting it. In some cases, particularly for small MSO's, a senior officer may be brought in from another unit to conduct the investigation and hearing.

A Marine Board of Investigation is used to investigate casualties of substantial magnitude or significance that will receive wide public attention. The procedures for a Marine Board are similar to those for a one-man formal investigation. The difference is that the hearing is conducted by a three or four man board assigned by the Commandant. The Marine Board is not under the chain of command but reports directly to the Commandant.

When an investigation is complete, it will typically be reviewed in draft, handwritten form by the Senior Investigating Officer or Executive Officer. The report will then be typed by a civilian or Coast Guard yeoman, proofread by the Investigating Officer, and routed for review. The local review may include the Senior Investigating Officer, the Executive Officer, and the Commanding Officer. After local review, copies of the case file are made. The final step at the local level is the Commanding Officer's endorsement. The original and two copies are forwarded to the district office. Two to three copies will be retained for local files.

District Activity

The report of a Marine Board of Investigation is not subject to district review. All other casualty reports are reviewed by the district Merchant Vessel Safety branch. The procedure is often a dual review. The case is first reviewed by an officer in the branch and then by the Chief of the Merchant Vessel Safety branch. Important cases may also be reviewed by the Chief of the Marine Safety Division and the District Commander. Reports that are deficient in some way are returned (bounced) to the unit for further investigation, clarification, or correction. When the report passes district review, an endorsement memo is prepared (signed by the district commander or by direction) and attached to each copy. One copy with endorsement is returned to the MSO for their permanent file. One is filed in the district office. The original is forwarded to the Commandant (G-MMI-1)

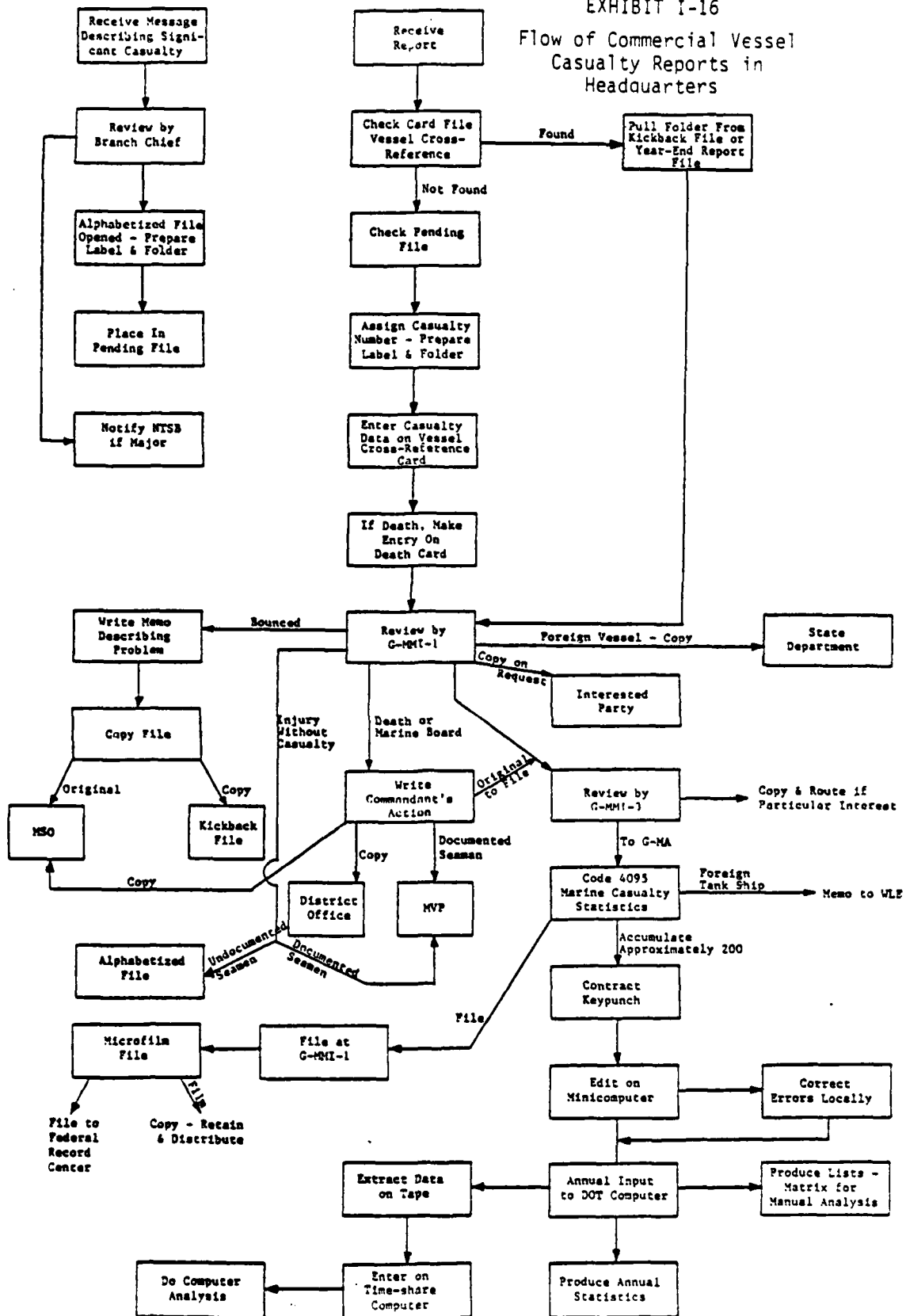
Headquarters' Activity

The flow of Commercial Vessel Casualty reports in Headquarters is shown in Exhibit I-16, on page I-43, and discussed below.

When a report (phone and message) of a significant or major casualty is received by the Casualty Review Branch (G-MMI-1), the circumstances are reviewed by the branch chief. If the casualty meets the significance criteria to require notification of the National Transportation Safety Board, he will give the required notice. The significance criteria are:

- The loss of six or more lives.
- The loss of a mechanically propelled vessel of 100 or more gross tons.
- Property damage/loss initially estimated at \$500,000 or more.
- A serious threat or the potential of a serious hazard to life and property or the environment by reason of the involvement of hazardous substances.
- Public vessel casualties (defined as a casualty involving a public vessel and a non-public vessel, which meets the notice criteria 46 CFR 4.05).

EXHIBIT I-16
Flow of Commercial Vessel
Casualty Reports in
Headquarters



The NTSB has the authority, via the National Transportation Safety Act of 1974 and joint regulations, to investigate casualties meeting the preceding criteria. The branch chief will also make a tentative decision that a Marine Board of Investigation should be convened and notify the Chief of the Office of Merchant Marine Safety if a Marine Board seems appropriate. The casualty will then have a file folder prepared by clerical personnel. This folder is then filed alphabetically in a pending file until the completed report arrives.

The initial steps after the arrival of a completed investigation report in G-MMI-1 are clerical. First, the vessel cross-reference card file is checked to see if the casualty is already recorded. If a match is found here, it means the case is being returned after being bounced previously for further investigation, clarification, or correction or the case has previously been reported on the year-end report. The case file folder will be pulled from the kickback file; the new report is attached and the case is placed in a "for review" stack or in the case of kickbacks, given to the reviewing officer who originally reviewed the report.

The pending file is then checked. If no folder is found in the pending file, a file folder and label is prepared and a CV number is assigned. Casualty data are recorded in the vessel cross-reference card file. If a death case, data are recorded in the death card file. The case is then attached to the file folder, either just prepared or from the pending file, and the case is placed in a "for review" stack.

Each report is reviewed for completeness, accuracy, and proper interpretation of the facts. If a significant discrepancy is discovered, a memo is prepared describing the problem and the file is returned to the Investigating Officer for correction. Before returning the file, a copy is made and placed in the kickback file. Approximately 10 percent of the cases are returned for correction.

If a death is reported, a Letter of Commandant's Action is required. The Letter is prepared by the officer who reviews the case. The Letter will state acceptance of the conclusions and recommendations in the report or may state exceptions and the reason for exception of particular points. The original Letter goes in the file folder. Copies go to the MSO, the district office and, if the death was a documented seaman, to MVP. If the report describes an injury without a casualty, the file is forwarded to MVP. G-MMI-1 maintains an alphabetized file of non-documented seaman injuries.

When a significant casualty or evidence of negligence involves a foreign vessel, a copy of the report is sent to the State Department for forwarding to the vessel's nation of registry. The report may also be forwarded to the State Department based on the recommendation of the IO. One copy of the report of death cases is provided to the next of kin without charge, on request. Copies may be provided to interested Coast Guard personnel. Copies are available to the public on request for a fee.

The file is then routed to the Marine Safety Evaluation Branch (G-MMI-3) for review. The objectives of this review are to identify trends in casualties or unusual or exceptional events that may be of particular interest. Copies of a case may be made and routed to individuals who would be interested (often MMT). The review may also generate a request to G-MA for data about casualties with similar characteristics and thus initiate a casualty analysis project. After review the file is routed to the Information and Analysis staff (G-MA) for coding and data entry.

At G-MA, clerks extract data from the report and code it on the Marine Casualty Statistics-Code Sheet (CG-4095). The code sheets are accumulated until a quantity of about 200 is reached and then sent out for keypunching under contract. After keypunching the cards are edited using a minicomputer in the Engineering Division. Errors discovered by the edit are corrected by keypunch clerks in G-MA. The cards are then stored until the year-end closing, 30 September. At this time all cards are entered into a data base on the DOT-CDC 3300 computer.

Each MSO is required to provide data, in available detail, on all cases pending as of 30 September each year. This data is also keypunched and entered with the year's data as a skeleton. The data will be updated as casualty reports are received. This procedure is necessary with the present system to insure that casualties are reported in the year in which they occur. The procedure causes approximately a two-month delay in completing annual statistical reports.

The inputs described above are the basis for the Commercial Vessel Casualty Reporting System. In addition to producing annual statistics, the data are used extensively for casualty analysis.

SUSPENSION AND REVOCATION PROCEEDINGS

The Coast Guard authority to conduct personnel investigations and to initiate suspension and revocation proceedings is derived from Title 46, U.S. Code, Section 239. This authorizes action against any seaman for misconduct or negligence while acting under the authority of Coast Guard-issued documents or for violation of Title 52 of the Revised Statutes. It is the policy of the Coast Guard to take suspension and revocation action against a seaman's papers rather than assessing a civil penalty. In cases where a seaman has committed a criminal act, suspension and revocation action may be taken by the Coast Guard in addition to possible prosecution by local, state, or federal authorities.

The procedures against seaman's papers are quite complex and are described in detail in the Marine Safety Manual, Volume V, Chapter 71. The flow of the major elements in the process is shown in Exhibit I-17, on page I-48, and are discussed in the following paragraphs. The emphasis in both the diagram and the discussion is on the flow of documents and information rather than the details of the procedure.

Notification

All personnel investigations are conducted by an Investigating Officer assigned to a Marine Safety Office or Marine Inspection Office. The Investigating Officer has three major sources of notification for initiating a personnel investigation:

- Complaints
- Commercial Vessel Casualties
- Ships Logbooks.

Suspension and Revocation Procedures Flow Through Major Organizational Elements



Complaints may be received from other Coast Guard units, other government agencies, state and local law enforcement agencies, maritime management, shipping agents, maritime unions, marinas, and the general maritime and boating public. Complaints against an individual holding seaman's papers from these sources (other than minor complaints made by phone) require the opening of an investigative case file and conducting an investigation. Complaints made to Coast Guard personnel, other than a designated Investigating Officer, will be referred to an Investigating Officer.

When a commercial vessel casualty occurs, any seaman who is on duty and has responsibility for the operation of the vessel is potentially subject to a suspension and revocation investigation. The personnel investigation is often conducted by the same officer conducting the casualty investigation and the fact-gathering phase of the investigations may be simultaneous. However, the reports must be separate and no reference to personnel action may be included in a casualty report other than a recommendation to investigate based on evidence of negligence. The report of a Marine Board of Investigation may also include a recommendation to conduct a personnel investigation. All recommendations to conduct a personnel investigation will result in opening an investigative case file and conducting an investigation, unless the recommendation is refused on review by the District Commander or Commandant.

Probably the greatest volume of personnel investigations is generated by ships' logbooks. All U.S. vessels on foreign voyages are required to keep official logbooks which contain comments on the conduct of seamen during voyage. The Investigating Officer should review the logbook before the crew members are signed off Shipping Articles. In practice, unless prior notice of an offense is received, the logbook is often picked up by the shipping commissioner and passed on to the Investigating Officer for review in his office. The opening of a case based on log entries is at the discretion of the Investigating Officer. Action is often not taken for minor infractions unless they are habitual.

Examination of the Official Log book routinely takes place when a vessel signs off Shipping Articles.

Investigating Officers' Activities

The investigation required to satisfactorily develop a case for a suspension and revocation hearing appears to be the most complex and time consuming area of Coast Guard investigations. The duties of the Investigating Officer include not only the collection of facts relative to the case, but the prosecution of the seaman in a formal adversary hearing.

The investigator has little discretion about opening a personnel investigation case but has almost complete authority as to whether or not to bring formal charges. An estimated 80 percent of the personnel cases opened are closed to file in the local office. A case may be closed to file because a complaint cannot be substantiated, or the investigation fails to reveal actionable misconduct or negligence. Many cases initiated by a marine casualty are closed with a statement like, "It is concluded that Captain Blip, Master of the Dirty Dredge, in failing to properly allow for the action of wind and waves, resulting in the grounding of his vessel, made an error in judgement that did not amount to negligence."

The Investigating Officer may accept a voluntary deposit or voluntary surrender of the seaman's papers. The voluntary deposit may be used when there is evidence of mental or physical incompetence for any reason other than addiction to narcotics. In these cases, if the seaman wishes, a Voluntary Deposit Agreement (CG-2639F) is completed and the seaman deposits his document with the Investigating Officer. A copy of the agreement with a cover letter stating the reason for accepting the deposit is forwarded to G-MMI-2. The seaman gets the original agreement and a copy is retained in the investigator's case file. The document will be returned to the seaman when he brings a "fit for duty" statement from the Public Health Service or other acceptable authority to the Investigating Officer.

If a seaman who is certified as physically or mentally incompetent by a proper medical authority will not make a voluntary deposit, suspension and revocation proceedings are initiated when jurisdiction can be established by evidence that he served under the authority of his document while incompetent.

A voluntary surrender is made by the seaman to avoid a hearing. It amounts to accepting guilt and the maximum penalty and is only used after the investigation is complete and charges have been made. When this procedure is followed, a Voluntary Surrender Agreement (CG-2639E) is completed. This form, a copy of the charge sheet, and all documentary evidence relative to the charge are forwarded to G-MMI-2. The voluntary surrender has the same effect as revocation of the seaman's documents. The documents can only be regained through administrative clemency procedures.

The Investigating Officer may issue a letter of warning rather than go to a formal hearing. The decision to issue a warning is based on the severity of the charges. After charges are served in a personnel investigation the seaman's prior record is checked. This is obtained by a request to G-MMI-2 for a MERMARPER for the individual or, if a letter of warning is anticipated, by a sworn statement by the seaman. The letter of warning must be accepted by the seaman. If he refuses to accept and acknowledge receipt of the warning, suspension and revocation action may be taken. When a letter of warning is given, a report on a 3 x 5 card is forwarded to G-MMI-2 stating the nature of the offense. This card becomes a part of the seaman's permanent record.

The simplest investigations for administrative hearing procedures are those generated by logbook entries. In these cases, a log entry is *prima facie* evidence in the proceedings. The investigator generally needs only certified copies of the relevant log entries and statements establishing the seaman's presence on the vessel to prove the charges. Beyond this type, the complexity of the investigation and preparation of the case may increase greatly.

Since most investigators do not have a legal background, considerable time may be required reviewing legal concepts and procedures, particularly for the inexperienced investigator. The investigator may face an experienced marine lawyer in the hearing. A successful outcome requires careful and complete preparation and presentation. The investigator may and often does request assistance from the district and Headquarter's legal staffs or from G-MMI-2 in preparing charges and specifications, in identifying precedence based on the Commandant's Actions on Appeal, and in assessing the adequacy of the case prepared.

The investigator's case depends on the relevant facts he has gathered, based on documentary or real evidence and testimony of witnesses. He has the authority to issue subpoenas to secure these materials or appearances until charges are served. Thereafter, only the ALJ can issue subpoenas. Since the maritime community is a mobile one, the appearance of the witnesses is sometimes not practical. In some instances, the entire case may be transferred to another zone. This generally happens when the respondent and necessary witnesses reside in another port. When this occurs, all case materials are forwarded to the MSO at the appropriate port and the hearing takes place there. The investigator may request a good-faith deposit of the seaman's documents to insure his appearance, particularly if the move is based on a request for change of location by the seaman, but compliance is not mandatory.

When a witness is beyond the jurisdictional limit of the hearing site (100 miles or the boundaries of the U.S. District Court, whichever is greater), he cannot be required to answer a subpoena to attend in person. If a written statement is not felt to be adequate, the investigator will prepare an interrogatory and application for deposition to present to the judge after the hearing opens.

The investigator may also issue subpoenas and secure statements of witnesses on behalf of the respondent.

When the investigation is complete, the investigator will prepare a charge sheet (CG-2639) citing charges and specifications and requiring the appearance of the respondent at a specified time and place. The Investigating Officer normally has determined the availability of the ALJ before establishing the time and place. The charge sheet is presented to the respondent and the ALJ.

If the person charged cannot be found for serving charges, the case file is forwarded to the Commandant G-MMI-2 and the seaman's name will be placed on the seaman's wanted list.

Hearing

The hearing is a formal procedure. Testimony is taken under oath. A verbatim record is kept of the entire proceedings. The hearing may be brief or extend over months with several adjournments and reopenings of proceedings. Even in cases where the respondent pleads guilty, a hearing is conducted and the respondent may present evidence or mitigating circumstances believed to be material to the decision and/or order.

If a person who has been charged and properly served with notice of the time and place of the hearing fails to appear, the hearing may be conducted *in absentia*. If the person is then found guilty, his name will be placed on the seaman's locator list by G-MMI-2 after receipt of the judge's decision.

The first step in the hearing procedure is the presentation of preliminary motions. Motions may include applications for change in venue or date, additions, changes, or deletions in charges, and specification or application for depositions. Either the investigator or the respondent (or his counsel) may present motions. When an application for a deposition is made, it generally contains an interrogatory. In these cases, the other party is given a copy of the interrogatory and

allowed to prepare a cross interrogatory. After the cross interrogatory is prepared and all questions are settled by the ALJ, the deposition is forwarded to an ALJ or other official authorized to administer oaths at the distant point. A subpoena for the desired witness is included. A verbatim transcript is always made of the deposition proceedings. When completed, the deposition is returned to the ALJ who issued it via certified mail. It then becomes part of the official proceedings of the hearing and is given the same weight in evidence as actual testimony.

The hearing continues with the arraignment of the respondent and opening statements by the Investigating Officer and by the person charged or his counsel. The opening statements describe briefly what each side plans to prove or establish.

The Investigating Officer then presents his case, including documentary evidence, witnesses and depositions. The respondent has an opportunity to cross examine all witnesses and the ALJ may also question witnesses. When the Investigating Officer has completed his presentation, the case of the person charged is presented in the same manner. After each party has presented their case, each has an opportunity to present closing arguments, either orally or in writing. Each party may also present a summary, either orally or in writing, stating their proposed findings of fact, conclusions of law, and supporting memoranda.

The judge at this point takes the case under consideration and renders a decision as to whether or not each charge and specification is proved or not proved. If charges are proved, the Investigating Officer will present the MERMARPER to the ALJ. Arguments in mitigation or aggravation are made by the Investigating Officer and the respondent which may include a recommended order.

The ALJ prepares his written decision and order and assures that the respondent receives the signed original copy along with instructions relative to appeal procedures. This step often follows an adjournment to allow the ALJ time to prepare his decision and order. Ideally, once the decision and order has been reached, the hearing is reconvened

so that the ALJ may orally render the decision and order to the defendant. Often the decision and order are taken under a period of advisement and are not orally rendered by the ALJ but are rather served in writing by mail or in person. If the respondent cannot be located for service he is then placed on the Seaman's Wanted List.

Copies of the case file, including Report of Hearing (CG-2639D), Decision and Order (CG-2639-A), and Notification with Charge and Specification (CG-2639) will be prepared by the ALJ and forwarded to the District Commander, the Investigating Officer, the Chief ALJ, and the Commandant (G-MMI-2).

The Investigating Officer prepares form CG-893 (Notice of License Suspended, Revoked, Restored, or Withheld). A copy goes to the OCMI which issued the license and to the Commandant (GMVP).

Headquarters' Activity

The first contact with Headquarters will generally be a request for a MERMARPER from the Investigating Officer. G-MMI-2 maintains a file on 3 x 5 cards describing personnel actions, both disciplinary and commendatory, against seamen. When a MERMARPER request is received, a clerk in G-MMI-2 will locate the seaman's data in the card file. The data is transcribed and forwarded, along with any pending cases on persons listed as wanted, to the Investigating Officer.

The wanted list is maintained by G-MMI-2. When an investigation is completed and the seaman cannot be found for serving charges, the case materials are forwarded to G-MMI-2 via Source/Fact reports and the seaman's name is placed on the computerized wanted list. All transactions completed by merchant seamen are checked against the list. The list is distributed to each investigating office and shipping commissioner. When the seaman is located, the case file will be forwarded to the Investigating Officer for appropriate action. In some cases, information sufficient to allow preparation of a charge sheet is provided by telephone prior to mailing case materials.

G-MMI-2 also maintains a seaman's locator list. This is similar to the wanted list except individuals on this list have had a hearing (generally in absentia) and are wanted for surrender of their documents or serving the judge's decision or both.

When a notice of a letter of warning is received, it is placed in the card file under the seaman's name. When a judge's decision is received, the charges and specification proved are summarized on 3 x 5 cards, per instructions of the reviewing officer, and placed in the card file. This is the basis for a MERMARPER. The judge's decision is also filed. Actual files are retained for two years, then the material is microfilmed. A closing sheet is prepared by a clerk in G-MMI-2 describing the charges. This sheet goes to MVP for insertion in the seaman's personnel file.

Each judge's decision is reviewed in detail by an officer in G-MMI-2. The review has several purposes. First, it is a means to instruct Investigating Officers. If a point was not properly prepared or presented by the Investigating Officer, or if it appears that relevant facts were omitted, the review officer will point these out to the Investigating Officer so that he may do a better job on his next case. If minor problems in procedure, interpretation, or conclusions by the ALJ, that would not affect the outcome of the case are identified, the Chief ALJ will be notified. The Chief ALJ reviews the facts and, if he feels it is necessary, will discuss the points with the appropriate ALJ. One objective of the review by G-MMI-2 is to establish uniformity in hearings throughout the country. Comments to the Investigating Officer or Chief ALJ may be for this purpose.

The review by G-MMI-2 may initiate a Commandant's review. When what is felt to be a major discrepancy is identified in a judge's decision, that is, one that affects the legitimacy of the decision and order, a review case will be established. In such instances, G-MMI-2 will bring the error to the attention of the chief counsel; there is no preparation of a pleading or brief. The activity there is similar to the activity on an appeal.

Appeal

The respondent has 30 days to file a notice of appeal in writing. Notice is filed with the ALJ. The ALJ will prepare copies of all documentary evidence and a transcript of the hearing. A copy is furnished to the respondent and the Commandant (G-MMI-2). The brief on appeal, prepared by the respondent or his attorney, is filed with the Commandant (G-MMI-2). When all materials relative to the appeal are received by G-MMI-2, they are assembled and forwarded to the Chief ALJ. The Chief ALJ will review the case and write a memo stating his view. The case then goes to Commandant (G-LMI) where the decision on appeal is prepared. Commandant's decisions on appeal establish precedents while the decisions of the ALJ do not. The case may be appealed further to the National Transportation Safety Board and then to the Federal Courts.

While an appeal is pending, the seaman may be granted a temporary license by the ALJ who heard the original case or by the Commandant (G-MMI-2).

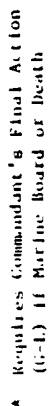
INVESTIGATION OF VIOLATIONS OF REGULATIONS (Report CG-2636)

Title 33, Code of Federal Regulations (Subpart 1.07), describes the procedures by which the Coast Guard is authorized to enforce statutes and regulations. Violations of the law, except violations of the Federal Water Pollution Control Act and certain violations for which Coast Guard boarding officers are authorized to issue written warnings, are reported on CG-2636, Report of Violation. Violation reports are generated as a result of an investigation into a suspected or alleged violation or as a result of observations made during inspections that are part of the Port Operations Safety programs. The major interest presented in this report is the group of violations that are supported by investigations. However, the flow and handling of all reports is substantially the same after it reaches the Coast Guard District Office. The flow of the Report of Violation through major organizational elements is shown as Exhibit I-18 on page I-59, and is discussed in the following paragraphs.

Notification

The need to conduct an investigation may be presented by several sources. Any person may report an apparent violation of any law, regulation, or order that is enforced by the Coast Guard to any Coast Guard facility. However, most violations are generated by other Coast Guard operations. Violations observed as a result of inspection programs are normally the result of failure to maintain proper equipment and are forwarded directly to the District Program Manager. When the situation observed by an inspection group is complex, confusing, or requires substantiation, notice will be given to the investigating office in the appropriate area by the observer via the chain of command, and the situation will be investigated. A marine casualty, either commercial or recreational, under investigation often identifies suspected violations. Other Coast Guard units (e.g., SAR, BOSDET's) may report a suspected violation.

Flow of Report of Violation
(CG-2636) Through Major
Organizational Elements



Investigation

When a suspected violation is reported, the Senior Investigating Officer will assign the case to an Investigating Officer (or himself). The Investigating Officer will take the steps necessary to develop evidence to prove the violation. The steps may include observation, statements of witnesses, photographs, interviews, and collection of physical evidence. If the Investigating Officer cannot establish that a violation occurred or can be substantially proved, the case will be closed to file and no further action will be taken. If the Investigating Officer feels the violation is proved, he will complete Form CG-2636, Report of Violation. The completed investigation is typed and generally reviewed by the Senior Investigating Officer or the Executive Officer. The form and appropriate supporting documentation are forwarded to the appropriate District Program Manager (MVS, MEP, or MPS). Copies of all material forwarded and any other relevant material, including original notes, are retained in the office file. At this point, the Investigating Officer has no further contact with the case unless it is rejected by the Program Manager or Hearing Officer and is returned for correction or additional investigation.

District Action

The procedures for conducting hearings were modified by revisions to Title 33, Code of Federal Regulations (Subpart 1.07), published in the Federal Register, November 20, 1978. The major effect of this revision was a restriction from assigning an individual as a Hearing Officer if he had responsibility, direct or supervisory, for the investigation of cases referred to him for the assessment of civil penalties. Prior to this change it was common practice for the District Office branch chief to act as Hearing Officer for cases in his area of interest, e.g., the District Chief of Merchant Vessel Safety (MVS) would be Hearing Officer for cases involving merchant vessels. The District Offices have complied with the new regulation in two ways. Either an officer is assigned as a

Hearing Officer full time with no other duties or (temporarily in the 9th District) an officer is designated as a Hearing Officer part time outside of his area of interest, e.g., the District Chief of Marine Environmental Protection (mep) will be Hearing Officer for cases involving merchant vessel safety.

With either type of Hearing Officer assignment, the Report of Violation (CG-2636) is received from the field by the appropriate District Program Manager (typically the branch chief). The material is reviewed, often by two people, to determine if there is sufficient evidence to establish a *prima facie* case. If there is insufficient evidence, the case is either returned for further investigation or closed or dismissed if further action is unwarranted. If it is determined that a *prima facie* case does exist, the case is forwarded to the designated Hearing Officer with the endorsement and recommendation of the Program Manager. The Hearing Officer reviews the material presented and may request additional information or changes in charges. When the Hearing Officer is satisfied with the case, a Letter of Notification of Violation will be prepared. In the Third Coast Guard District, where a full time Hearing Officer is assigned, the notice of violation and all other correspondence relative to the case is prepared by the Program Manager's office, based on the instructions of the Hearing Officer. This is necessary because the Hearing Officer has no assigned clerical assistance. The notice of violation will contain:

- The alleged violation and the applicable law or regulation.
- The amount of the maximum penalty that may be assessed for each violation.
- Date of violation.
- Time of Violation.
- Place of violation.
- Name of the vessel or facility.
- Status of person in violation (i.e., agent, owner, master, etc.).
- Case number.
- Statement of general procedures.

- A preliminary penalty assessment.
- Statement of the rights of the person charged to obtain copies of written documents and examine all materials in the case file and to demand a hearing.

If the violation involves a commercial vessel, a copy of the Report of Violation and supporting documentation is forwarded to Headquarters WLE when the Hearing Officer determines that a *prima facie* case exists. Similarly, all correspondence prepared by the Hearing Officer, or by his direction, is forwarded to Headquarters. These data are the basis of the vessel violation data in the Marine Safety Information System. If the violation does not involve a commercial vessel, all material is retained in the District Office. If the violation involves a facility WLE will get a copy of the 2636 and of all correspondence. Facility data are kept in manual files and do not go into MSIS.

The remaining action on the violation depends on the reaction of the person charged. The person charged may pay the penalty described in the initial notice and the case is closed. There may be several rounds of correspondence between the person charged and the Hearing Officer. A hearing may be held if requested in writing by the person charged. After considering all material presented, the Hearing Officer will make a decision and assess a final penalty, or dismiss the case and remand it to the District Commander. The District Commander may refile the case and cause it to be reheard if additional evidence is obtained. If dismissed again, the case may not be reopened.

When a penalty is assessed by the Hearing Officer, a copy of the assessment letter is forwarded to District Finance, who is responsible for collection of penalties. If the person charged does not make payment or appeal within 30 days or the time specified by the Hearing Officer, the matter is turned over to the District Legal Staff for collection. If collection attempts (normally three letters) by the Legal Staff are not successful, the matter is turned over to the U.S. Attorney for collection.

Appeals

If the party appeals the decision of the Hearing Officer, the Hearing Officer will provide a copy of the appeal and supporting brief to the District Commander. The District Commander may comment on the case. All case materials are forwarded to the Commandant (G-LMI) for decision. A written decision is prepared in each case. The Commandant may affirm, reverse, or modify the decision of the Hearing Officer or remand the case for new or additional proceedings.

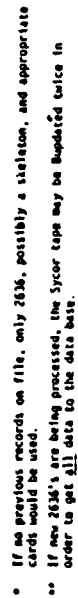
Headquarters' Action

The only Headquarters' action on Reports of Violation, other than Commandant action on appeals, is the input of violation data into the Marine Safety Information System (MSIS) when the violation is associated with a commercial vessel. The CG-2636 and all District Letters (letters from the Hearing Officer or District Commander) are forwarded to Headquarters-WLE. The flow of these documents in WLE is shown in Exhibit I-19, on pages I-64 and I-65 and is described below.

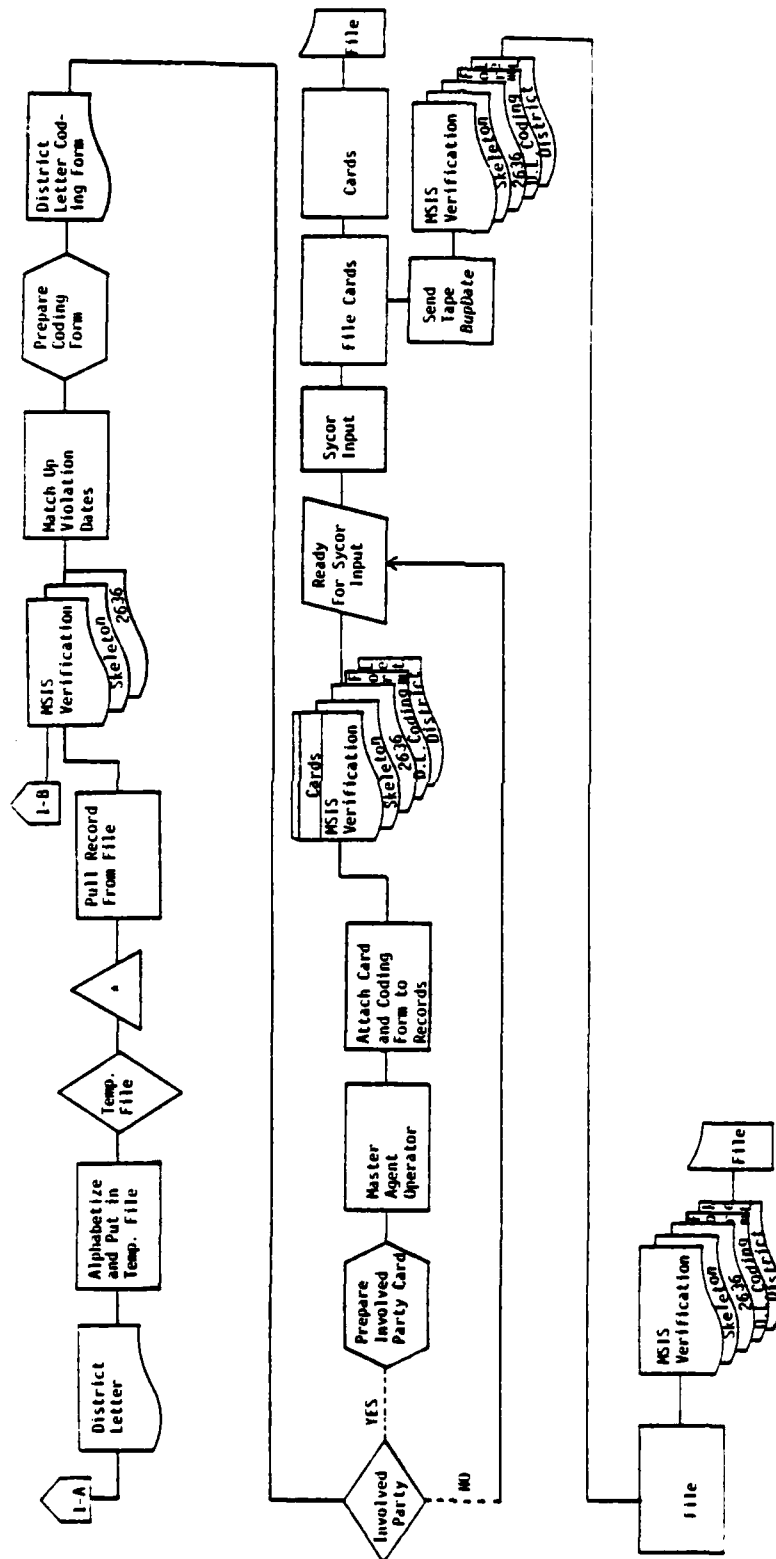
The processing of 2636 forms and district letters begins with their receipt at Headquarters. Upon arrival they are separated into document types. The 2636 will be considered first. They are counted, the Federal Regulations violated are highlighted and numbered, and this information is recorded in a log book.

The 2636's are then separated into those dealing with a facility, and those dealing with a vessel. The facility violations are then filed. Vessel 2636's are checked against the files. If the vessel is not on file, a complete register check is done. The register supplement is checked and the code verified. If the vessel name is on file, the record is pulled and the new 2636 is added to it.

Flow of Report of Violation and District
Letters in Headquarters - WLE



Prepared and provided by COMDT (G-WLE-1/73)



* Remove from temporary file in preparation for coding.

Prepared and provided by COMDT (G-WLE-1/73)

If the vessel name has changed, a skeleton entry to MSIS and a vessel name card are prepared. If the involved party has changed, new master, owner, and agent cards are prepared.

Records are then ready for the Sycor input. After the input, the tape is sent for Bupdate of the MSIS and the cards are filed. Following the Bupdate, the history is pulled and the entry of the new 2636 onto the history is verified. If entry was not made, the reason for non-entry is noted and a re-entry is made. If the entry was made, then the MSIS verification is complete and it is attached to the complete record and filed.

After separation from the 2636 forms, the District letters are separated into those dealing with vessels and those dealing with facilities or shippers. The latter are filed immediately. The letters dealing with vessels have the vessel's name highlighted and are then placed in a temporary file by alphabetical order. The vessel records are then pulled from the MSIS file and the District letters are matched with the appropriate dates. The District letters are then coded and the involved party is checked. If it is not a new involved party, the coded form goes to Sycor input. If the involved party is new, new master-agent-operator cards are prepared as appropriate. These cards are added to the complete file and the coded information is input. The tape Bupdate is sent to update. The system and the cards are filed. The entry of information is then checked and the records go to file again.

The MSIS operates on Tymshare Corporation's commercial timesharing service.

RECREATIONAL BOATING ACCIDENT INVESTIGATIONS

Title 33 of the Code of Federal Regulations (parts 173-174) requires that an owner or operator of a vessel must file a Boating Accident Report (BAR) if a boating accident resulted in (1) loss of life, (2) personal injury requiring medical treatment beyond first aid, (3) damage to all property involved amounting to \$200 or more, (4) disappearance of a person from a vessel under circumstances which indicate injury or death.

This report, or BAR, must be filed with the state boating authority in which the accident occurred (or to the Coast Guard itself in New Hampshire, Washington, and Alaska). Filing is required within 48 hours in death cases, within ten days in all other reportable cases.

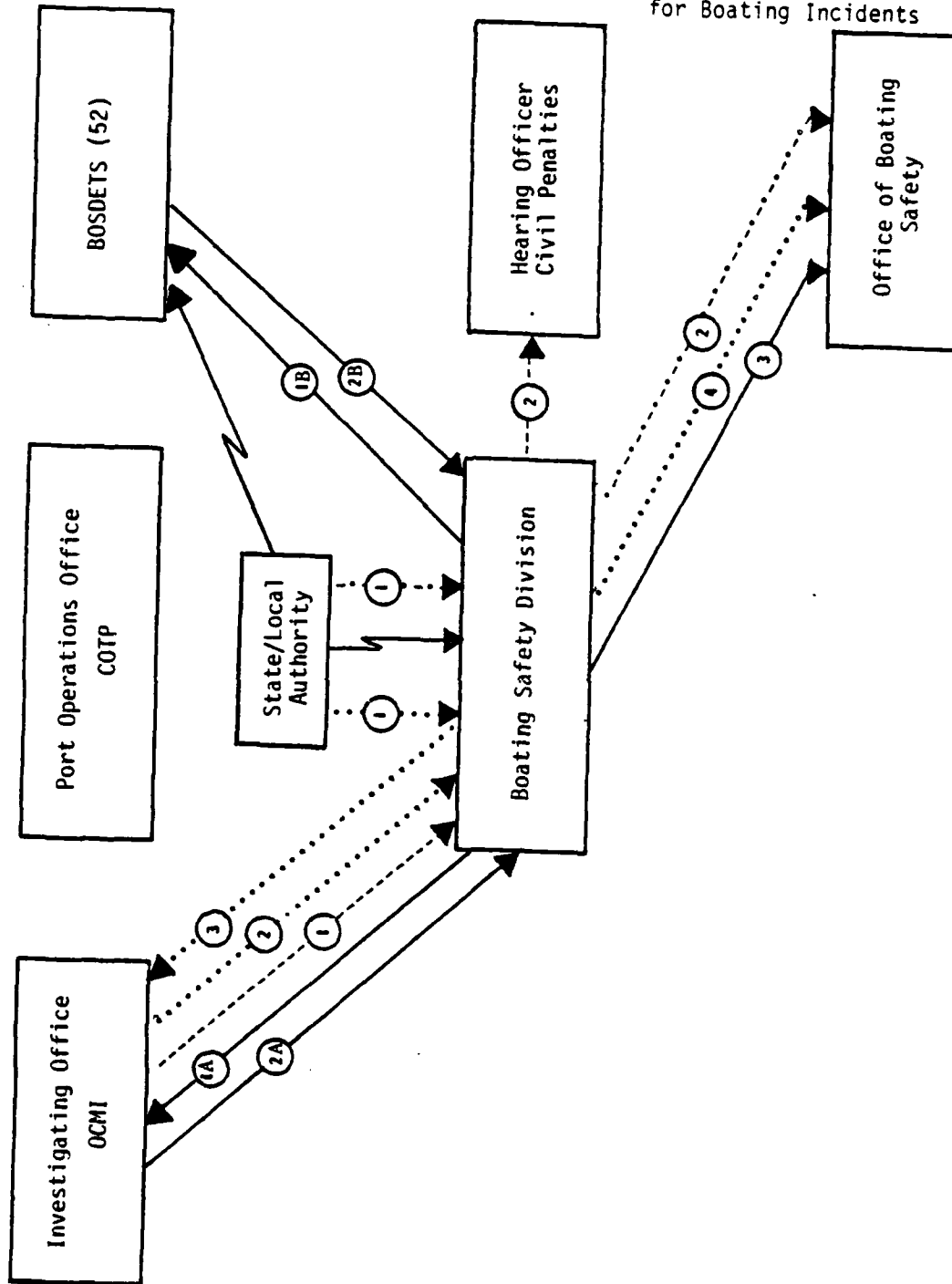
Notification

The flow through major elements of boating incidents meeting the previously described criteria for reportable accidents is summarized in Exhibit I-20 on page I-68.

In general, once a BAR has been filed with the state boating authority, it is forwarded by them to the Coast Guard district of record. There it is reviewed in the Boating Safety Division by the District Accident Investigation Coordinator. If the accident resulted in death, the DAIC assigns the investigation of the accident to the Marine Inspection Office/ Marine Safety Office responsible for the area in which the accident occurred. The DAIC reviews non-fatal accident reports himself. Certain non-fatal accidents may require further investigation by the DAIC, or by a BOSDET nearest the location of the accident.

EXHIBIT I-20

Flow of Investigation Reports/Forms
Through Major Organization Elements
for Boating Incidents



----- Negligent Operation of Rec'd Boat - 2636
 Fatal Rec'd Boating Acciding - Fed/Joint Water
 ----- Non-Fatal Boating Accident
 Fatal Rec'd Boating Accident - State Water
 ----- Informational Contact

Field

District

Headquarters

After the investigation, both of fatal and non-fatal accidents, the DAIC reviews the case for completeness and accuracy. If the file is still lacking, it is returned to the field for further work. BAR's and investigations are forwarded by the DAIC, after his review, to the Office of Boating Safety in Headquarters, where it is processed by the Accident Review Branch.

District Action

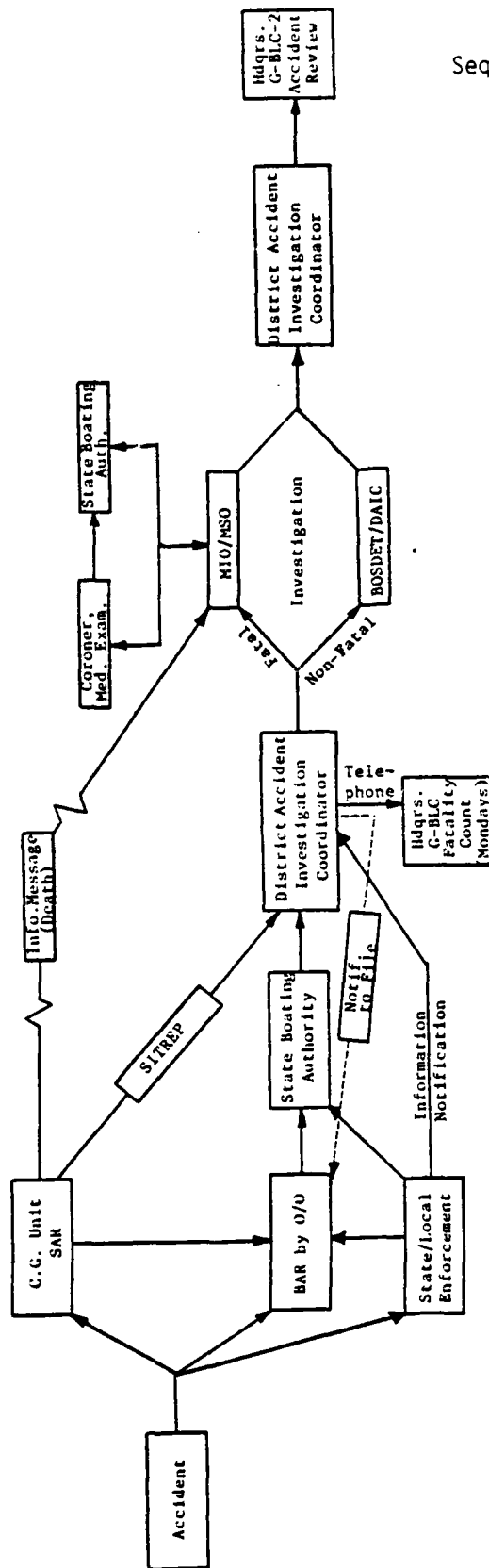
Exhibit I-21 on page I-70 reflects specific flow of BAR's and investigations at the field and district level. Exhibit I-22 on page I-71 diagrams the sequential order of this flow. Normally, a BAR resulting from a reportable accident is filed by the owner/operator of each vessel involved, but can also be completed and filed by the local law enforcement officials on the scene. In order to be alerted to any reportable accidents, the DAIC, per COMDTINST 16750.3, reviews daily all search and rescue (SAR) reports to ascertain whether any SAR case potentially involves a significant nonfatal accident, or a fatal accident; maintains a log of all reported fatal accidents received from all sources; and administers a district accident alert system for fatal and significant nonfatal boating accidents with state and local enforcement personnel. Should a BAR not be forthcoming from an owner/operator involved in a reportable accident, the DAIC will contact the individual based on information received from one of the above sources and inform him that, by law, a BAR must be filed. Failure to file a BAR for a reportable accident is subject to a fine of up to \$500. Since the purpose of the failure-to-file penalty is to encourage filing rather than to function as punishment, and as the completed BAR is the primary objective rather than a fine, reminders to file are utilized and rarely is the penalty invoked.

Flow Chart for BAR's and Investigations



EXHIBIT I-22

Sequential Flow Chart for BAR's and Investigations



The DAIC reviews the BAR upon receipt and determines the proper disposition of the report. If the accident was non-fatal, he will review the circumstances involved and determine if further investigation is warranted. Non-fatal accidents selected for investigation are normally of special interest, i.e., they may involve a component failure leading to the accident cause and which could also affect other similar components; in some instances an investigation may also be prompted by inaccurate or incomplete BAR's or by regulation or policy requirements. These non-fatal accident investigations are done either by the DAIC himself or by a BOSDET in the field.

In most districts, the DAIC will keep a record of both fatal and non-fatal accidents and forward BAR's, and if applicable, investigations, to Headquarters. In the Third Coast Guard District, the DAIC has an updated file system and, as a result, has a greatly improved reference capability. This DAIC office has a word processor to maintain its files and has developed a coding form modeled on the Headquarter's BAR coding sheet to enter relevant data. Using the coding sheet and processor, the DAIC can reference any accident he has handled in seconds by any heading or category he wishes. For example, he can ask for all accidents involving a specific type of vessel (e.g., get all canoe accidents by requesting vessel code 6), or accidents on a given date or locality. He can then either copy the information off the word processor screen or get a printout. Also, form letters are kept on file in the word processor, decreasing time spent typing. In the Third District, the DAIC has a problem with accident reporting from the state. Often duplicate accident reports are submitted to the DAIC with different case numbers. By cross-referencing accidents on the word processor, the DAIC can eliminate duplication.

Field Action

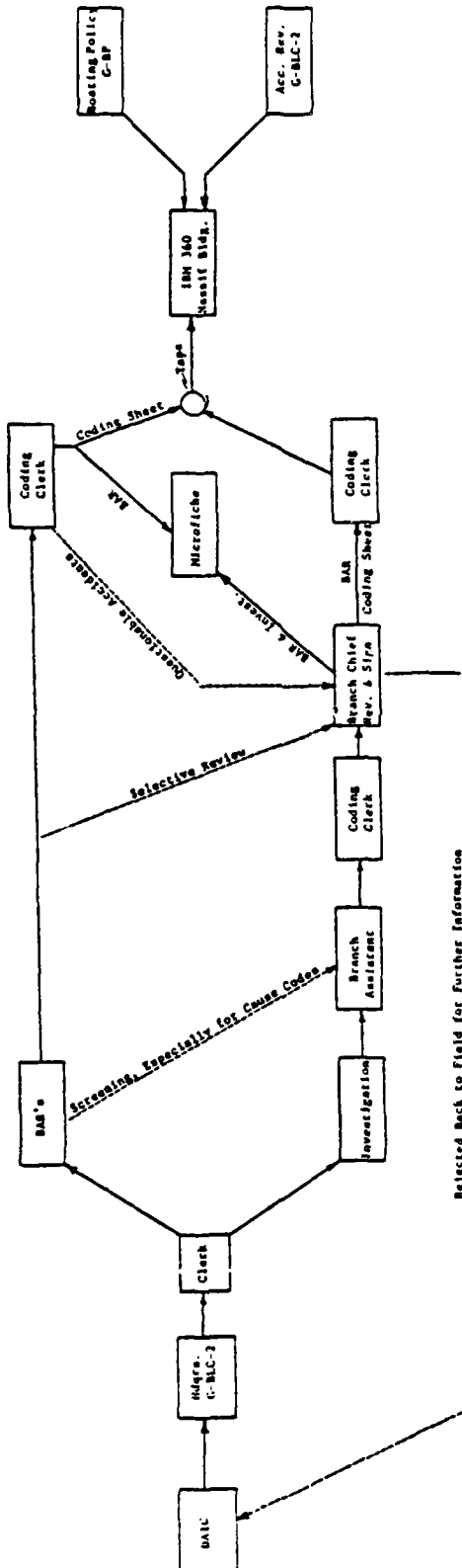
Fatal boating accident investigation is the sole jurisdiction of the MIO/MSO of the area in which the accident occurred. The MIO/MSO normally has already been informed of a fatal boating accident, either by an informational message from the SAR unit at the scene or by media coverage of the accident. Some MIO/MSO's will initiate their investigation of an accident prior to receiving notification from the DAIC, while other MIO/MSO's will wait for notification from the DAIC. In all cases, however, the DAIC will notify the MIO/MSO of a fatal accident in their jurisdiction and request an investigation.

The MIO/MSO investigation is rarely done out in the field, and may occur several weeks after the accident. Investigation is most often done via telephone and is done to develop details not given in the BAR. The MIO/MSO has on hand the BAR, forwarded by the DAIC, and uses it as the basis for its investigation. Included among the MIO/MSO investigation duties is securing an autopsy or coroner's report if it is not already part of the file. At the conclusion of the investigation, the BAR and accompanying investigation report are returned to the DAIC.

Headquarter's Action

Exhibit I-23 on page I-74 summarizes the flow of BAR's and investigations through Headquarters components. In Headquarters, the Office of Boating Safety, State Liaison and Compliance Division, Accident Review Branch (G-BLC-2) is the reviewing authority. The Headquarters' review process begins with the receipt and logging in of all accident reports by a clerk-typist. The clerk-typist reviews the reports and separates nonfatal BAR's from fatal BAR's and investigations. The nonfatal BAR's are forwarded to a coding clerk who encodes information from the BAR onto a coding sheet. This coding sheet, used only at Headquarters, provides a synopsis of the vital accident data for entry into the Coast Guard IBM 360. The accident review branch assistant chief screens the BAR's and coded sheets for accuracy and

Headquarters Flow of
BAR's and Investigations



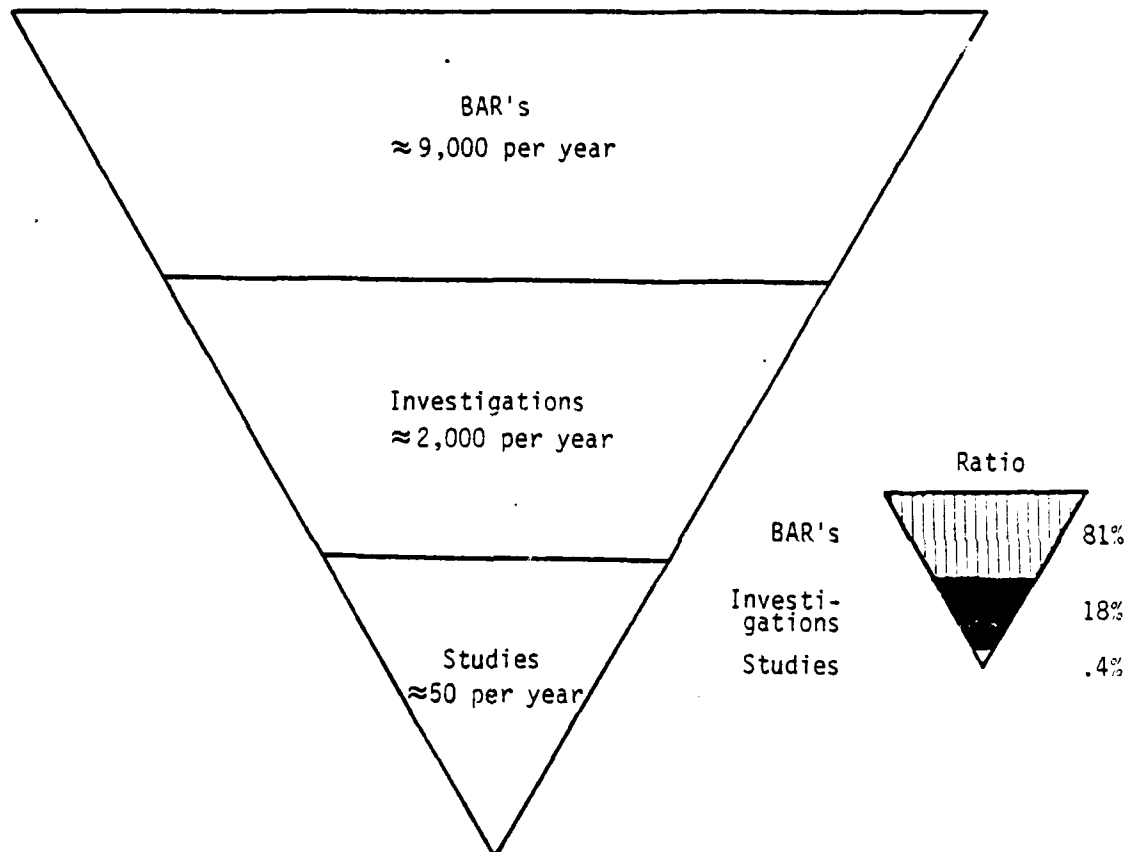
codability; the branch chief makes a selective review of random BAR's, and normally reviews non-fatal investigations and special interest cases. Should the coding clerk have questions regarding transfer of information from the BAR to the coding sheet, the branch chief will resolve the question; most questions at this juncture deal with determining whether or not a BAR reflects a reportable accident. The information on the BAR is then entered into a computer data base by the coding clerk via a remote terminal in the Office of Boating Safety. The BAR is recorded on microfiche and the BAR itself filed. At this time there is no provision to destroy BAR's after they have been recorded on microfiche.

Fatal accident reports and accompanying investigations go through a more rigorous review. After separation from non-fatal BAR's by the clerk, they are routed to the assistant chief at the Accident Review Branch, who gives the report and investigation a complete review. Since the report and investigation has already been carefully reviewed in the field by the DAIC, it is rare that a fatal accident file is returned to the DAIC for further work. Should that be necessary, however, the file would go to the branch chief for his review and authorization. After the assistant branch chief has completed his review, the report is forwarded to the coding clerk for encoding on the BAR coding sheet, in the same manner as a non-fatal BAR. After coding, the report, investigation, and completed coding sheet go to the branch chief for his final review, approval, and signature. The branch chief then sends the BAR and investigation to be stored on microfiche and forwards the BAR coding sheet to the coding clerk for entry into the computer. After being microfiched, the BAR and investigation return to the Accident Review Branch for filing by a clerk.

Data thus entered on the computer is accessible only to the Accident Review Branch or to the Boating Policy Planning and Information Staff (G-BP). It is used by G-BP to produce the report "Boating Statistics" (CG-357). The Accident Review Branch has numerous uses for the data, including computing a state-by-state annual report of accidents sent to each state and responding to requests for specific information, within and without the Coast Guard.

Exhibit I-24 on page I-77 gives an overview of the accident reporting "sieving" process. As can be seen, out of approximately 9,000 accidents per year, approximately 7,000 involve only a BAR filing. The remaining 2,000 accidents reported on BAR's require investigation, and of these investigations approximately 1,800 involve fatalities (including non-accident related) and 200 are selected non-fatal accidents. Finally, approximately 50 studies are done each year. These are conducted by private contractors, and are for the purpose of testing particular components or manufacturer's products which have been determined, through the BAR's and investigations, to have a tendency to fail while in operation. Testing is done on products purchased on the open market.

EXHIBIT I-24
Accident Reporting and Investigating Progression
("Sieving" Process)



- I. BAR's - Filed by owner/operator involved; tend to be very biased.
- II. Investigations - Accidents occurring on joint water
 - ≈ 1,800 fatalities (500 of which are non-accident related, e.g., heart attacks) - required to investigate, done by MSO
 - ≈ 200 non-fatal - done by BOSDET, normally for purposes of causal study
- III. Studies - Specialized investigations to substantiate statistical finding of component failure
 - done by independent (private) contractor
 - study and test components bought on open market

OIL POLLUTION INVESTIGATIONS

Title 33, U.S. Code, Section 1321 (Federal Water Pollution Control Act, Section 311) requires that every discharge of a harmful quantity of oil or a hazardous substance into or on the shores of U.S. navigable water ways be reported. The Environmental Protection Agency (EPA) and the U.S. Coast Guard have divided the country between them for purposes of investigating the reported violations. However, only the Coast Guard has the authority to assess penalties for such violations. Investigations of spills are reported on 308 letters by EPA and on the Water Pollution Violation Report (CG 3639) by the Coast Guard. Exhibit I-25 on page I-79 illustrates the flow of information and the sequence of events from the initial notification of a violation to closing the case.

Notification

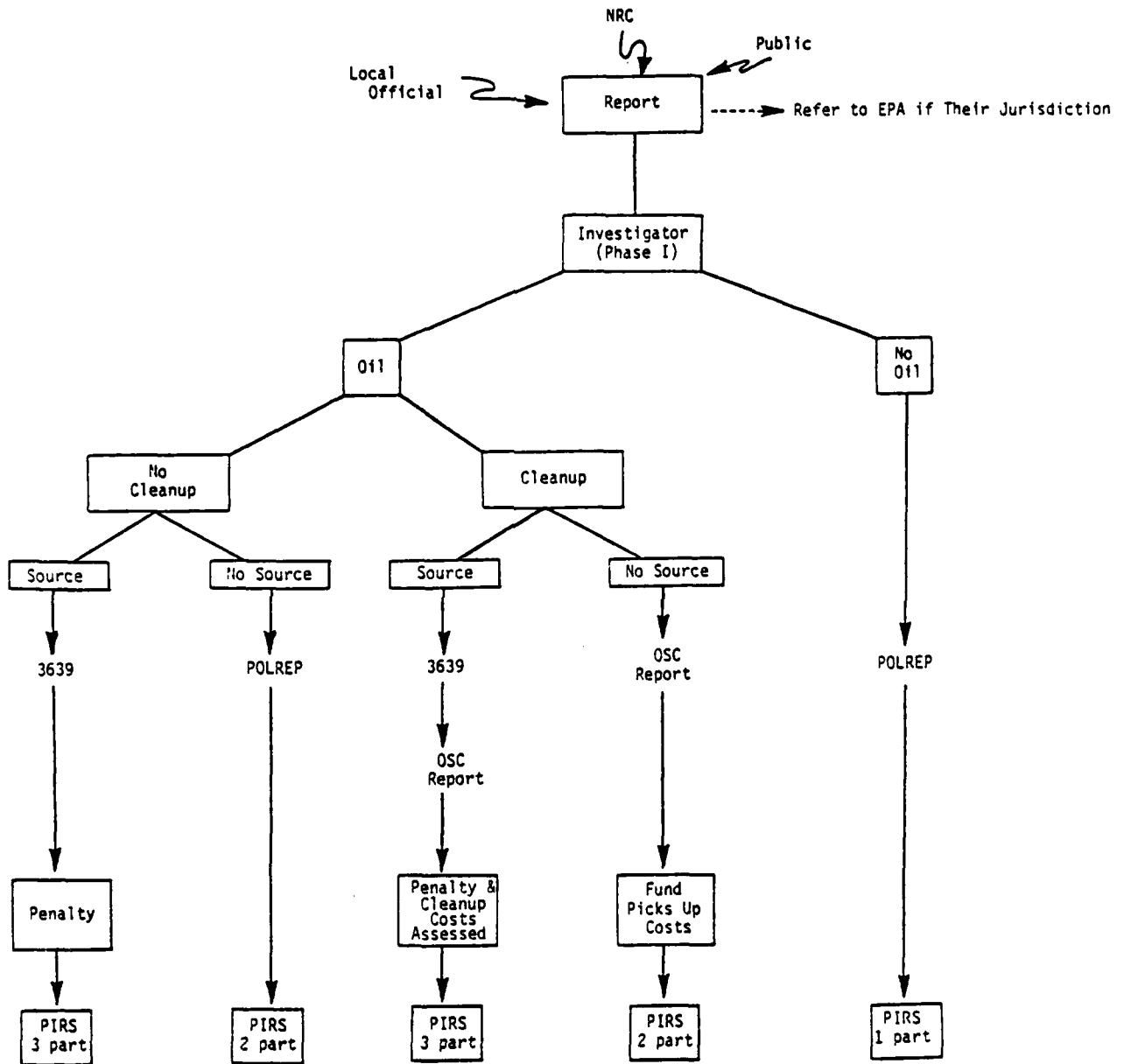
Notification of a violation may come from the responsible party, a routine Coast Guard patrol, or anyone witnessing a spill or observing pollution in or around the navigable waters. The legal requirement to report is on the responsible party (spiller).

The Federal Water Pollution Control Act (FWPCA), Section 311(b)(5) requires the duty officer, National Response Center, Coast Guard Headquarters be notified in case of a spill. Failure of the spiller to do so is a criminal offense that may be prosecuted by the U.S. Attorney, and is subject to a maximum penalty of \$10,000 or one year imprisonment per 33 CFR 153.

Response

The response to a pollution incident after notification is composed of two phases, the investigation and the cleanup and monitoring phase. These operations are normally carried out simultaneously by personnel from the Captain of the Port's office or the MSO Port Operations Division, depending on the administrative organization of the responding office.

EXHIBIT I-25
Flow of Oil Pollution
Investigations



Upon arrival of the pollution response team, the situation is assessed. If the spill requires no cleanup or no cleanup is possible then the investigation is the only function performed. If the spill requires cleanup and the responsible party is not taking action or can't be located, a government funded cleanup is initiated. In such a case the first federal official to arrive at the scene assumes the duties of the on-scene coordinator until the predesignated on-scene coordinator (CG or EPA) arrives and directs the cleanup procedures. If the responsible party has initiated cleanup, the process is monitored by Coast Guard personnel.

During the cleanup and monitoring, the Pollution Violation workbook (3639A) is filled out and appropriate samples and evidence are collected. In order to establish that a violation occurred, the investigation must support the following facts:

- That a discharge of oil or a hazardous substance occurred.
- That the discharge was in a quantity which may be harmful.
- That the discharge was into or upon navigable waters of the U.S., adjoining shorelines, or waters of the contiguous zone.
- That the discharge was from a vessel, or an onshore or off-shore facility.
- That the owner or operator of the vessel or facility at the time of the discharge (against whom penalty action may be taken) is identified.

The 3639A is the basis for the Water Pollution Violation Report (CG3639). The 3639A is filled out on the scene by the response team (usually petty officers). All information required to fill out the 3639 should be contained in a properly filled out workbook. The 3639A itself also becomes part of the evidence.

During the investigation and cleanup procedures various agencies and other Coast Guard offices are to be kept advised of the situation. The Pollution Report (POLREP) message fulfills this function. The first POLREP goes out as soon as is practicable after receiving notification of a pollution incident. In case of spills with no cleanup required the

POLREP may be a one and final. In the case of large spills, one or two per day may be sent during the active cleanup and investigation process.

The cognizant District Marine Environmental Protection branch is the recipient of the POLREP traffic. Information addressees may be specified by the On Scene Coordinator (OSC). The appropriate EPA regional office is notified via POLREP. If the navigability of any waterways is affected the Army Corps of Engineers is notified*. Also other agencies such as port administrations, state environmental agencies, and the National Response Center may be info addressees at the discretion of the OSC.

Upon completion of the investigation and any required cleanup, the final POLREP is submitted. The complete file of the case is then forwarded to the District for action. This file includes the 3639, the 3639A, and any photos, statements, reports of sample analysis or other evidence associated with the incident.

In incidents where EPA conducts the investigations, the 308 letter is sent to the responsible party. The case is then turned over to the Coast Guard District for actual assessment of the civil penalty.

District Action

Upon receipt of the case by the District Marine Environmental Protection Branch, it is reviewed for investigative sufficiency, including the elements of the violation. After completion of the review the case goes to the Hearing Officer for action. The hearing procedures are very similar to those described for the 2636.

The Hearing Officer must assess a civil penalty of up to \$5,000 for each violation of Section 311(b)(3) of FWPCA (discharge of oil or hazardous substance).

If the pollution incident involves U.S. licensed personnel suspension and revocation proceedings action may be taken by the Coast Guard

* The Marine Inspection Office or MSO inspection/investigation division is notified if a casualty is involved.

against any licensed and/or documented personnel involved. Such proceedings are covered in Chapter III of this report.

The District MEP is also responsible for entry of pertinent information into the Pollution Incident Reporting System (PIRS). This information is received on three types of coding forms. The discharge form, prepared by the units, indicates the record identification of the District Office, available information on the actual discharge, and the weather condition. The response form, input from both unit and district office, provides the District record information, the agents used to cleanup and contain the spill if any, the personnel, and the estimated cost of the cleanup. The penalty action form from the district provides the record identification and the penalty action taken, including any appeals and their results.

Headquarters Action

Headquarters takes no routine action on the Reports of Pollution Violation. However, Headquarters does act on cases appealed through the District. The appeal procedures is similar to that described for 2636 appeals (see page I-63 of this report). Headquarters is only responsible for issuing policies on submitted information, submission procedures, monitoring for problems with reporting procedures, and utilization of the data. PIRS data provide the basis for the annual summary of polluting incidents in U.S. waters.

LEGAL INCONSISTENCIES AFFECTING INVESTIGATIONS

Discussions with investigating officers in the field and Headquarters personnel in Washington indicated that Coast Guard personnel are comfortable working with the regulations including the various reference materials which are used as a primary source of regulation interpretation.

These include the Laws Governing Marine Inspection, CG-227, The Marine Investigating Officer's Regulation Handbook, CG-518, The Marine Safety Manual, and The Commandant's Decisions on Appeal.

While certain inconsistencies exist between the statutes, the regulations, and these manuals, the investigating officers tend almost exclusively to follow the specific procedures and positions outlined in detail in the various manuals.

From time to time the investigating officers feel frustrated by the regulations. However, they do in fact continue to make interpretations in strict accordance with the policies and procedures indicated in the various manuals.

The primary tool used as a guide for performing investigations and preparing reports is the Marine Safety Manual, Volume 5. This manual is very specific in that it presents most detailed procedures and instructions for completing forms, conducting interviews, fill-in-the-blanks narrative reports, and key words used in typical types of investigative reports.

This procedure appears to be a correct one since the investigating officers' training is limited to approximately two weeks of formal training. The investigators generally tend to be young line officers with little or no legal training or experience. These limitations result in the investigating officers avoiding basic issues and problems not specifically covered by the materials routinely furnished to them by Headquarters.

While legal assistance is available from the district office, investigating officers generally do not use this source since the process is time consuming, the dialogue is confusing, and therefore limited action is taken on these types of issues. This problem is further compounded as these line officers assignments are short in duration, averaging approximately six months.

One of the results of these highly stylized and formal procedures is that the investigating officers feel frustrated and limited when the set of circumstances surrounding the investigation does not fit into one of the categories and procedures specifically detailed in the various manuals. Part of this frustration is from their lack of experience in interpretation of the regulations and, in addition, a feeling on the part of some of the officers that the regulations do not adequately cover certain circumstances where in their judgement it is clear that a penalty should be imposed.

Discussions in the field indicate that there are three areas where clarification would be helpful to the investigating officers.

There is confusion between certain aspects of 33 U.S.C. 361 and 46 U.S.C. 239 and their appropriate regulations. These include:

- Jurisdictional limitations such as vessels of United States versus all vessels.
- Reporting versus notification.
- Time restrictions such as as soon as possible, immediate, and five days.

The relationship between the Federal Boat Safety Act of 1971 and the various states systems for reporting at time appears to be inconsistent and confusing. Investigating officers also tend to confuse the reporting requirements of this act with investigating authorities found in other statutes and regulations.

The whole question of bare boat charters should be clarified at the field level and additional appropriate training inserted into the investigators' basic training course to cover this subject.

STANDARDIZED PENALTY ENFORCEMENT PROCEDURES

Expansion of the enforcement role of the Coast Guard and corresponding increase in judicial case load has brought with it the need for a strong managerial posture to administer the several enforcement programs and to ensure the equitable and speedy resolution of violation cases on a nationwide basis. The desired manner of addressing this need has been thought to be the standardization of enforcement policy and procedure.

The appeal of a standardized enforcement procedure lies in equality of justice from port to port. That is, under a standardized system, a defendant would be assured that like violations in different ports would result in similar penalties. For example, a company with several shore facilities nationwide would be assured that penalties would be reasonably equal for similar polluting spills in separate facilities in different districts. In short, standardization would serve to mitigate apprehension over relative leniency versus relative severity of penalties from one port to another.

Standardization would also serve the efficient management of enforcement procedure by decreasing time spent on each case in judging and assessing the appropriate penalty. With standardized penalties for specific violations in effect, once a defendant has been found to be in violation the appropriate penalty has already been established. Time spent on deciding proper penalties is thus minimized.

The drawback to the standardization concept is that once implemented the tendency is to treat the standard as the hard and fast rule. For example, the Table of Average Orders pertaining to suspension and revocation proceedings (46CFR 5.20-165) is meant to be a source of information and guidance for administrative law judges, and is accompanied by the qualification that the orders listed for the various offenses represent an average and should not affect the fair and impartial adjudication of each case on its individual facts and merits. Interviews with Coast Guard personnel indicate that this table seems to have become a standard for suspension and revocation judgements.

This subtle change in terminology and interpretation decreases the independent thought of the administrative law judge, and subjective input tends to assume less value in order to meet the standard. The Table of Average Orders also becomes less valid, as it no longer reflects truly average values but rather standard values. It also becomes a reflection of the status quo at the time of establishment and does not reflect contemporary values. While standardization is advisable in purely objective matters, such as tests administration, in the legal area individual rights and considerations are often highly subjective. Standardization might provide equal treatment, but might not provide fair treatment. These subjective considerations, such as the defendant's actions after the violation occurred or his attitude at hearing, would tend to be neglected so that the violation assessment would fit into the standard, nationally equal penalty. The concept of trying each case on its unique individual merits in a fair and equal manner is basic to the legal process and should not be diminished.

Dynamic analysis of enforcement policies and procedures would appear to incorporate the advantages of standardization while avoiding many of the disadvantages. Monitoring of all hearing offices' decisions would allow a norm to be set at the field level. That is, a continuous study of all decisions would establish the norm or range, rather than Headquarters setting an arbitrary standard; independence of the hearing officer would be maintained as the norm would be set by current decisions. This regular monitoring of decisions would provide a range in penalties assessed for similar violations, and analysis at Headquarters would indicate any area out of step with the prevailing national penalty. In turn, this indication would only alert Headquarters staff to a situation, and would not necessarily mean that action would have to be taken to get such an area into compliance with the norm. Such an indication might mean, for example, that penalties in that area were different due to considerations unique to the area. In other words, the dynamic system would be used as a study tool to further Headquarters knowledge of district operations.

The concept of a dynamic method to analyse hearings information moves away from the static or standardization idea. Standardization would not provide the continuous update capability of a dynamic reporting format. The latter approach would move away from an established, less flexible standardized penalty decision process and allow the subjective input necessary in the legal process while permitting an objective analysis of the whole hearing system.

It would seem that this dynamic analysis would much better serve the goals and purposes of the Coast Guard mission. Standardization of enforcement procedures would provide little information, since as a static method little interaction occurs. Standardization would only provide short-term solutions, as standards reflect the prevailing situations and needs only at the time of establishment and do not change as the status quo changes. However, with this dynamic system, updated information provides the current penalty values. Hearing decisions can continually be analyzed and the learning process and thus mission fulfillment can evolve.

The statistical information currently available in the several enforcement program reporting formats is not readily applied to a comprehensive analysis of hearings and penalty actions. Exhibits I-26 through I-33 are presented to show the reporting methods for personnel investigations and actions, for port operations and for district penalty cases. Semi-annual summaries of personnel actions, Exhibits I-26 through I-28, were made from forms CG-2802 (Report of Merchant Marine Investigations and Hearings) submitted on a quarterly basis by 51 ports within the twelve Coast Guard districts. The forms for the District Report of Penalty Cases, Exhibits I-29 through I-31, were photocopied from files in Headquarters. These forms are summarized versions of port operations penalty cases reported on form CG-2767F. The CVS penalty in Exhibit I-32 was prepared from Headquarters' files of the CVS semi-annual Report and Summary of Penalty Cases (also form CG-2767F). A copy of this form is provided as a reference in Exhibit I-33.

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DEC 79 R A CAMOZZO, J C LYONS, H D MESSER DOT-CG-74059-A
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Exhibit I-32 provides an overall summary of statistics reported on the above for the period January 1977 - June 1978. The Personnel Investigations chart was prepared from the summarized CG-2802s (Exhibits I-26 through I-28), with several of the categories combined for convenience and readability. CVS and Port Operations summaries presented in this exhibit were compiled from much larger and more detailed charts. The Port Operations chart consisted of a district by district semi-annual breakdown and 18 month total of the categories shown on the charts in Exhibits I-29, I-30, and I-31. The CVS summary was also prepared from a much larger chart (similar to the Port Operations chart) which was a compilation of all cases reported closed on the forms CG-2767F submitted by all districts.

Data from the respective reporting forms was transferred onto these larger charts so that all the information could be on one sheet rather than several. From these charts the smaller summarized charts were compiled so that the data could be analyzed and displayed in a concise and manageable manner. These summarized charts provide the best overview of the different programs in light of the manual process involved. A more specific analysis would necessitate referring back to the larger chart and pulling out the pertinent information separately for each specific area desired. In terms of time and cost, these general summarized charts in Exhibit I-32 provide the most practical analysis of the various enforcement programs.

Information derived from the charts in Exhibit I-32 is primarily useful as an accounting tool, and many inferences do not appear to be relevant or valid in terms of the legal systems which are being dealt with. For example, from Exhibit I-32 the following information can be obtained for the period January 1977 - June 1978:

- 45 percent of all CVS cases were closed without payment.
- Of the cases closed without payment, 50 percent received warning letters and 30 percent were determined to have no liability.

- 55 percent of all cases were closed by payment, of which 81 percent were fines of less than \$25 (all but 5 percent of that being \$10 fines).
- 44 percent of all cases were closed by payment of less than \$25.

From this data the conclusion can be drawn that of 7,299 CVS cases for the 18-month period January 1977-June 1978, almost 90 percent of the cases resulted in a maximum of a \$25 fine.

Moving to Port Operations statistics, from Exhibit I-32 also, the following information can be derived for the 18-month period:

- 68 percent of all cases resulted in warning letters.
- 6 percent of all cases had either no liability involved or no action was taken.
- 25 percent of the 4,537 cases resulted in civil penalty.

For personnel investigations in the same period, the following can be derived:

- 54 percent of all cases were closed without action.
- 18 percent of all cases received a warning from the investigating officer.
- 17 percent of all cases went to hearing, and of that percentage 82 percent had charges proved and the remainder were dismissed.
- In 14 percent of the total cases the charge was proved at hearing.

The conclusions which can be drawn from these figures are that of 17,378 cases in these three programs, in the 18-month period January 1977-June 1978:

- 33 percent of all cases received a warning letter or warning from the investigating officer.
- 25 percent of all cases were determined to have no liability, or no action was taken, or were dismissed at hearing.
- 34 percent of all cases were closed either by payment or by a charge proved determination.

Obviously, the preceding figures provide only a basic analysis of the enforcement programs. Only general conclusions about penalties themselves can be made, and these may be suspect. For example, of all the cases in Exhibit I-32, one-third received only a warning letter, and over one-fourth were dismissed. With this basic information on the penalties assessed, it would seem that the time and effort involved in investigating and prosecuting these cases provides only minor results.

In order to provide a better analysis of enforcement performance, more than just the result or end product of violations is needed. Factors leading to the result or penalty need to be provided. The important factor missing in the penalty information is the why of the assessed penalty or non-penalty. To provide a clear and total picture of the penalty assessments for all cases, the following additional information should also be available regarding each defendant for each enforcement program:

- Violation.
- Legal grouping for statistical analysis.
- Statutory penalty.
- Mitigating circumstances.
- Penalty assessed.
- Any hearing beyond initial level.
- Disposition and action.
- Coast Guard personnel involvement (i.e., rank and man-hours for each person involved in each case).

In effect, the missing factors in reports on enforcement cases are the ability to ascertain the rationale for the assessed penalty or lack thereof, the ability to compare it with other similar violation decisions and the ability to determine the degree of Coast Guard involvement and its subsequent comparative impact on penalties assessed.

An additional problem inherent in the present reporting of enforcement program cases is the lack of timely access to the data. Manual analysis required to obtain specific information is a limiting factor in the applicability of the desired information, both in terms of time and cost-benefit ratio. For example, non-documented personnel actions cannot realistically be analyzed because the information cannot be extrapolated from available data without a long and involved search. Data thus obtained would be costly and in all probability no longer relevant when finally presented.

A dynamic system of penalty enforcement data storage and retrieval would solve many of the problems currently encountered in obtaining enforcement information. Data from all enforcement programs would be entered into a consolidated computer data base and would be accessed through a variety of programs tailored to each enforcement program need and to overall enforcement analysis. In order to accomplish this data input, new reporting forms would have to be designed for each enforcement program, so that data from each enforcement program could be accessed separately or be accessed in conjunction with any of the other enforcement programs. Also, these new reporting forms would include additional categories for factors of penalty assessment. With the utilization of computer facilities, the additional data would not produce the problems in analyzing the data that they would if manual techniques were still utilized. The format of these reporting forms would be such that keypunching could be done directly off the forms. Data entry would thus be simplified and updating of the data base would be faster. The PIRS reporting forms would provide a good model for forms of this type.

Raw data for this dynamic analysis of enforcement procedures would be supplied on these new forms on a quarterly basis, submitted by all ports, with all violations and hearings actions recorded for that quarter. A data base would be created from these forms, formatted into a statistical aggregate of legal groupings within each district, and would be accessed through an analytical program. Output would be a printout of all violations and hearings actions, divided by legal groupings within each district. District legal grouping values would be summarized, as would national legal grouping values, and minimum- mean- maximum range for district and national values would be computed. Ideally, a procedure should be used to determine the variation from a normative level with upper and lower values based on a statistical analysis of variance.

The new MSIS could be utilized for input and analysis for this suggested dynamic system of monitoring enforcement policy and procedure. MSIS contains information pertinent to investigations and enforcement, and conversely much of the data provided by the suggested forms and system would be utilized in the MSIS. By using MSIS for the input and analysis of the entire enforcement program, duplication of effort and data would be reduced and information accessibility would increase.

With a comprehensive and consolidated data base of penalty assessments, and development of programs to analyze each separate enforcement program or compare all programs, the management of the entire enforcement role of the Coast Guard would be greatly enhanced. Analysis of a variety of enforcement procedures would no longer be limited by factors of time and manual data collation. Several areas could be analyzed virtually as soon as the data were received at Headquarters. Enforcement performance could be compared by several categories - district to district, program to program, current quarter to prior quarter, current quarter to prior year, year to year, and so forth. In effect, the analysis potential of all enforcement programs would be greatly expanded and the decreased response interval would increase the value of the information.

In summary, a review of existing statistical data on penalty assessments indicates that a more comprehensive and consolidated data base is needed to establish a system of analysis of the penalty assessment decision-making process. The standardization of penalty enforcement procedures does not appear to be a practical goal, as subjective considerations are essential to the equitable resolution of individual cases. A dynamic method of analyzing hearings decisions appears to be a reasonable means to monitor hearings actions and to exert managerial control over the enforcement process, and to possibly provide a more standardized system of penalty assessment. The fact that enforcement personnel would be aware of this monitoring of certain factors would be a passive control, i.e. no guidelines would have to be published, leading to possibly more careful and uniform enforcement procedures and penalty decisions.

NOTE:

A sample of dynamic feedback data currently available from the PIRS system is shown in Exhibit I-34. There are significant penalty variations among districts for similar spill quantities, and the penalties increase very slowly for larger spills (the penalty per gallon decreases drastically). In the largest category of spill, the total penalty decreased Coast Guard wide. The reasons for these apparent inequities need to be examined to assure that mitigation and penalties are interpreted consistently in all districts.

DEPARTMENT OF
TRANSPORTATION
U. S. COAST GUARD
CG-3802 (Rev. 12-71)

REPORT OF MERCHANT MARINE
INVESTIGATIONS AND HEARINGS
(See Instructions on reverse side)

PORT
ALL MMDs (MIS)
REPORTING PERIOD
1 JAN to 30 JUN 77

TO: Commandant (MVP)

1. INVESTIGATIONS

A. Personnel..... 1804
B. Casualty..... 3669
C. Motorboat..... 407
D. Oil Pollution..... 1624
E. Miscellaneous..... 1581
TOTAL..... 9085

2. OIL POLLUTION CASES (R.S. 4450)

	LICENSED	UNLICENSED
A. Letter of Warning.....	<u>14</u>	<u>56</u>
B. Hearings.....	<u>12</u>	<u>60</u>
C. Closed w/o action.....	<u>30</u>	<u>63</u>

3. INCOMPLETE CASES

(To be submitted 30 June only)

A. Casualty.....
B. Personnel.....
C. Hearings.....
D. Miscellaneous.....
TOTAL.....

4. PERSONNEL INVESTIGATIONS

	LICENSED	UNLICENSED	OTHER
A. Misconduct.....	<u>162</u>	<u>690</u>	<u>55</u>
B. Negligence/Inattention to duty.....	<u>151</u>	<u>140</u>	<u>117</u>
C. Incompetence.....	<u>22</u>	<u>269</u>	<u>13</u>
D. Violation of Statute/Reg. ..	<u>54</u>	<u>18</u>	<u>52</u>
E. Narcotics.....	<u>8</u>	<u>45</u>	<u>8</u>
TOTAL PERSONNEL INVESTIGATIONS.....			<u>1804</u>

5. VESSEL REPORTS (MMD only)

(Arrivals) (Sightings)

	(Arrivals)	(Sightings)
A. First Month.....	<u>132</u>	<u>65</u>
B. Second Month.....	<u>127</u>	<u>63</u>
C. Third Month.....	<u>136</u>	<u>64</u>
TOTAL.....	<u>395</u>	<u>192</u>

6. DISPOSITION OF PERSONNEL INVESTIGATIONS

	DECK	ENGINE	RADIO	UNLICENSED	OTHER
A. Revoked.....	<u>2</u>	<u>1</u>		<u>23</u>	<u>1</u>
B. Suspended Outright.....	<u>6</u>			<u>24</u>	<u>7</u>
C. Suspended Outright and Probation.....	<u>15</u>			<u>42</u>	<u>10</u>
D. Suspended on Probation.....	<u>12</u>	<u>5</u>		<u>63</u>	<u>10</u>
E. Admonished.....	<u>10</u>	<u>2</u>	<u>1</u>	<u>34</u>	<u>6</u>

TOTAL GUILTY FINDINGS (Total items A through E)..... 274

F. Dismissed after hearing.....

<u>21</u>	<u>2</u>		<u>39</u>	<u>5</u>
TOTAL HEARINGS (Total items A through F)..... <u>341</u>				

G. Voluntary Surrender.....

H. Warned by Investigating Officer.....

I. Voluntary Deposit Pending PFD.....

J. Closed w/o Action.....

<u>3</u>			<u>9</u>	
<u>46</u>	<u>13</u>	<u>2</u>	<u>212</u>	<u>29</u>
<u>8</u>	<u>4</u>		<u>149</u>	<u>5</u>
<u>216</u>	<u>24</u>	<u>4</u>	<u>517</u>	<u>172</u>

TOTAL DISPOSITION OF PERSONNEL INVESTIGATIONS

(Total hearings plus items G through J)..... 824

7. SPECIFICATIONS

A. Group A1.....	<u>8</u>	<u>1</u>		<u>8</u>	<u>3</u>
B. Group A2.....	<u>3</u>	<u>1</u>	<u>1</u>	<u>58</u>	
C. Group B.....	<u>12</u>			<u>35</u>	<u>7</u>
D. Group C.....	<u>1</u>			<u>2</u>	<u>1</u>
E. Group D.....	<u>1</u>	<u>1</u>		<u>2</u>	<u>2</u>
F. Group E.....	<u>1</u>			<u>11</u>	<u>1</u>
G. Group F.....	<u>2</u>			<u>6</u>	<u>1</u>
H. Narcotics 239 (Misconduct).....				<u>3</u>	
I. Narcotics 239b (Violation of PL 500).....	<u>1</u>	<u>1</u>		<u>2</u>	<u>1</u>
J. Oil Pollution.....	<u>3</u>	<u>1</u>		<u>22</u>	
K. Incompetence.....				<u>2</u>	
L. Negligence/Inattention to duty.....	<u>11</u>	<u>2</u>		<u>14</u>	<u>14</u>
TOTAL SPECIFICATIONS..... <u>274</u>					

PREVIOUS EDITIONS ARE OBSOLETE

DEPARTMENT OF
TRANSPORTATION
U. S. COAST GUARD
CG-2802 (Rev. 12-71)

REPORT OF MERCHANT MARINE
INVESTIGATIONS AND HEARINGS
(See Instructions on reverse side)

PORT
ALL ALIENS / 1750's
REPORTING PERIOD
1 JUL - 31 DEC 77

TO: Commandant (MVP)

1. INVESTIGATIONS

A. Personnel 1926
B. Casualty 4109
C. Motorboat 510
D. Oil Pollution 2456
E. Miscellaneous 2068
TOTAL 11069

2. OIL POLLUTION CASES (R.S. 4450)

	LICENSED	UNLICENSED
A. Letter of Warning.	12	54
B. Hearings	4	44
C. Closed w/o action	18	71

3. INCOMPLETE CASES

(To be submitted 30 June only)

A. Casualty
B. Personnel
C. Hearings
D. Miscellaneous
TOTAL

4. PERSONNEL INVESTIGATIONS

	LICENSED	UNLICENSED	OTHER
A. Misconduct	142	796	63
B. Negligence/Inattention to duty	156	179	138
C. Incompetence	22	259	7
D. Violation of Statute/Reg.	66	33	8
E. Narcotics	4	43	10

5. VESSEL REPORTS (MMD only)

(Arrivals) (Boardings)

	(Arrivals)	(Boardings)
A. First Month	60	19
B. Second Month	70	20
C. Third Month	124	23
TOTAL	194	62

TOTAL PERSONNEL INVESTIGATIONS 1926

6. DISPOSITION OF PERSONNEL INVESTIGATIONS

	DECK	ENGINE	RADIO	UNLICENSED	OTHER
A. Revoked	1			16	4
B. Suspended Outright	8			15	
C. Suspended Outright and Probation	14	2	1	51	4
D. Suspended on Probation	11			85	3
E. Admonished	5			21	6

TOTAL GUILTY FINDINGS (Total items A through E) 254

F. Dismissed after hearing 9

TOTAL HEARINGS (Total items A through F) 263

G. Voluntary Surrender	6			10	2
H. Warned by Investigating Officer	49	16		259	37
I. Voluntary Deposit Pending FPD	12	4		201	2
J. Closed w/o Action	219	30	2	625	156

TOTAL DISPOSITION OF PERSONNEL INVESTIGATIONS

(Total hearings plus items G through J) 1020

7. SPECIFICATIONS

A. Group A1	4			5	3
B. Group A2	2		1	56	
C. Group B	10	1		46	5
D. Group C				4	2
E. Group D	5			12	
F. Group E	4	1		17	
G. Group F				3	
H. Narcotics 239 (Misconduct)				1	
I. Narcotics 239b (Violation of PL 500)				7	1
J. Oil Pollution				13	2
K. Incompetence	1			1	
L. Negligence/Inattention to duty	13			13	11

TOTAL SPECIFICATIONS 254

PREVIOUS EDITIONS ARE OBSOLETE

DEPARTMENT OF
TRANSPORTATION
U. S. COAST GUARD
CG-2802 (Rev. 12-71)

REPORT OF MERCHANT MARINE
INVESTIGATIONS AND HEARINGS
(See Instructions on reverse side)

EXHIBIT I-28 RCS MVP-4013

PORT

AVL MD 5/1/78

REPORTING PERIOD

1 JAN - 30 JUN 78

TO: Commandant (MVP)

1. INVESTIGATIONS

A. Personnel..... 1812
B. Casualty..... 4033
C. Motorboat..... 373
D. Oil Pollution..... 2480
E. Miscellaneous..... 2089
TOTAL..... 10787

2. OIL POLLUTION CASES (R.S. 4450)

	LICENSED	UNLICENSED
A. Letter of Warning.....	12	66
B. Hearings.....	16	31
C. Closed w/o action.....	15	43

3. INCOMPLETE CASES

(To be submitted 30 June only)

A. Casualty.....
B. Personnel.....
C. Hearings.....
D. Miscellaneous.....
TOTAL.....

4. PERSONNEL INVESTIGATIONS

	LICENSED	UNLICENSED	OTHER
A. Misconduct.....	154	632	50
B. Negligence/Inattention to duty.....	177	175	190
C. Incompetence.....	24	264	4
D. Violation of Statute/Reg.	60	15	21
E. Narcotics.....	3	35	8

5. VESSEL REPORTS (MMD only)

(Arrivals) (Boardings)

A. First Month.....
B. Second Month.....
C. Third Month.....
TOTAL.....

TOTAL PERSONNEL INVESTIGATIONS..... 1812

6. DISPOSITION OF PERSONNEL INVESTIGATIONS

	DECK	ENGINE	RADIO	UNLICENSED	OTHER
A. Revoked.....	3			9	2
B. Suspended Outright.....	6	2	1	23	2
C. Suspended Outright and Probation.....	11	2		25	7
D. Suspended on Probation.....	29	8		43	6
E. Admonished.....	9	1		18	7

TOTAL GUILTY FINDINGS (Total items A through E)..... 231

F. Dismissed after hearing..... 16 1 27 9
TOTAL HEARINGS (Total items A through F)..... 253

G. Voluntary Surrender.....	6	1		12	
H. Warned by Investigating Officer.....	76	13		24	37
I. Voluntary Deposit Pending FPD.....	11	2		140	2
J. Closed w/o Action.....	194	23	2	539	201

TOTAL DISPOSITION OF PERSONNEL INVESTIGATIONS
(Total hearings plus items G through J)..... 1812

7. SPECIFICATIONS

A. Group A1.....	5			14	5
B. Group A2.....	3	3		42	
C. Group B.....	12	1	1	19	5
D. Group C.....	3	1		4	
E. Group D.....	7	1		5	2
F. Group E.....	5	1		12	1
G. Group F.....				2	2
H. Narcotics 239 (Misconduct).....		2		3	
I. Narcotics 239b (Violation of PL 500).....					
J. Oil Pollution.....	2	2		10	
K. Incompetence.....	2				
L. Negligence/Inattention to duty.....	14	1		13	

TOTAL SPECIFICATIONS..... 253

PREVIOUS EDITIONS ARE OBSOLETE

District Report of Penalty Cases | January - 30 June 1977

District	Dangerous Cargo Cases (46 USC 170, 49 USC 1801-4)		Tank Vessel Act (46 USC 391a)		Pollution Prevention (33 USC 1321(a)(6))		Ports & Waterways Safety Act (33 USC 1221-7)		Total Cases Closed With No Action/No Liability	Total Cases Closed By Warning Letters	Total Cases Closed By Civil Penalty	Total Civil Penalties Collected
	Number Cases Closed	Civil Penalties Collected	Number Cases Closed	Civil Penalties Collected	Number Cases Closed	Civil Penalties Collected	Number Cases Closed	Civil Penalties Collected				
1	5	0	12	7100	8	9350	0	0	1	5	19	16450
2	11	650	18	1325	24	1625	0	0	0	37	16	3600
3	533	13100	98	2550	192	4700	38	2450	29	696	136	22800
5	30	8000	12	1550	13	400	5	0	8	30	22	9950
7	120	6350	0	0	1	100	36	0	0	142	15	6450
8	11	1600	10	400	13	425	9	500	4	21	18	2925
9	2	0	7	400	2	0	0	0	1	8	2	400
11	(18)	7500	0	0	(5)	0	0	0	0	12 (7)	(11)	7500
12	13	500	0	0	10	1000	0	0	1	19	3	1500
13	21	100	5	275	0	0	48	25	12	57	5	400
14	14	400	0	0	1	250	0	0	0	11	4	650
17	9	1100	0	0	5	200	0	0	0	6	8	1300
Totals	787	39300	162	13600	274	18050	136	2975	56	1044	259	73925

Source: G-WLE-1

District Report of Penalty Cases 1 July - 31 December 1977

District	Dangerous Cargo Cases (44 USC 170, 49 USC 1701-4)		Tank Vessel Act. (46 USC 391a)		Pollution Prevention Act. (33 USC 1321(j)(1))		Ports & Waterways Safety Act (33 USC 1231-7)		Total Cases Closed With No Action / No Liability	Total Cases Closed By Warning Letters	Total Cases Closed By Civil Penalty	Total Civil Penalties Collected
	Number Cases Closed	Civil Penalties Collected	Number Cases Closed	Civil Penalties Collected	Number Cases Closed	Civil Penalties Collected	Number Cases Closed	Civil Penalties Collected				
1	13	2700	16	6600	9	3800	33	3100	1	31	39	16200
2	20	3350	64	5100	32	3800	1	0	0	80	37	12250
3	334	21200	106	1950	287	9550	128	1850	55	586	214	34550
5	43	10900	17	1050	14	1100	0	0	17	34	23	13050
7	83	6000	45	3400	4	10	0	0	0	112	21	9900
8	14	1275	25	200	8	150	7	450	13	34	12	2025
9	9	700	12	1350	8	800	0	0	2	13	14	2850
11	11	6770	4	1500	0	0	0	0	0	1	14	8270
12	7	0	0	0	0	0	0	0	2	5	0	0
13	39	0	3	100	26	4600	64	505	20	92	20	5205
14	11	0	0	0	5	500	0	0	0	15	1	500
17	51	2550	0	0	2	0	1	0	8	20	6	2550
Totals	620	55395	292	21750	395	24300	234	5905	118	1023	401	107350

Source: G-MLE-1

DISTRICT REPORT OF PENALTY CASES 1 JANUARY - 30 JUNE 1978

DISTRICT	DANGEROUS CARGO CASES (NMTA & DCA) (46 USC 170, 49 USC 1801-9)		TANK VESSEL ACT (46 USC 391a)		POLLUTION PREVENTION (33 USC 1321(j)(6))		PORTS & WATERWAYS SAFETY ACT (33 USC 1221-7)		TOTAL CASES CLOSED WITH NO ACTION/ NO LIABILITY	TOTAL CASES CLOSED BY WARNING LETTERS	TOTAL CASES CLOSED BY CIVIL PENALTIES	TOTAL CIVIL PENALTIES COLLECTED
	NUMBER CASES CLOSED	CIVIL PENALTIES COLLECTED	NUMBER CASES CLOSED	CIVIL PENALTIES COLLECTED	NUMBER CASES CLOSED	CIVIL PENALTIES COLLECTED	NUMBER CASES CLOSED	CIVIL PENALTIES COLLECTED				
1	4	4,250	16	10,800	14	7,250	85	17,389	5	54	60	39,689
2	8	2,000	37	6,800	21	5,750	6	—	4	41	27	14,550
3	403	19,160	70	4,104	164	11,117	90	1,988	39	467	221	36,359
5	32	11,450	9	2,200	18	1,375	8	1,050	8	27	33	16,075
7	67	11,675	37	15,800	6	2,200	3	750	—	69	44	30,425
8	41	3,000	67	3,475	39	150	15	5250	31	83	48	11,875
9	5	1,900	7	700	5	1,050	6	1,500	2	8	13	5,150
11	10	7,250	1	500	2	750	31	450	2	21	11	8,950
12	30	3,100	3	100	12	100	39	—	1	75	8	3,300
13	32	1,100	1	—	—	—	68	400	19	74	8	1,500
14	13	2,000	—	—	4	500	2	—	—	12	7	2,500
17	37	9,650	4	350	14	—	49	2,300	4	84	16	12,300
TOTALS	682	76,525	252	44,729	288	30,142	363	31,077	115	1025	496	182,673

CVS

CLOSED W/O PAYMENT				CLOSED BY PAYMENT							TOTAL PENALTY CASES
MNG LTR	REMISS OF PENAL.	NO LIAB/ NO ACTION	OTHER	TOTAL	425	25-50	51-100	101-249	250-500	> 500	
1/77-6/77	530	108	251	962	702	109	48	16	20	14	1871
7/77-12/77	709	129	326	1238	1280	118	62	26	19	23	2766
1/78-6/78	437	71	429	1119	1230	133	78	29	34	39	2662
TOTAL	1676	308	1006	3319	3212	360	188	71	73	76	7299

1/77-6/77
7/77-12/77
1/78-6/78
TOTAL

PORT OPERATIONS

DANGEROUS CARGO CASES		TANK VESSEL ACT		POLLUTION PREVENTION		PORT & WATERWAYS SAFETY ACT		TOTAL CLSD NO. ACT./ NO. LIAB.	TOTAL CLSD MNG. LTR.	TOTAL CLSD CIVIL PENAL.	TOTAL CIVIC PENAL. COLLECTED	TOTAL CASES
# CLSD	CIVIL PEN. COLL.	# CLSD	CIVIL PEN. COLL.	# CLSD	CIVIL PEN. COLL.	# CLSD	CIVIL PEN. COLL.					
1/77-6/77	787	162	13,600	274	18,050	136	2,975	56	1,044	259	73,925	1,359
7/77-12/77	620	292	21,750	395	24,300	234	5,905	118	1,023	401	107,350	1,542
1/78-6/78	682	252	44,729	288	30,142	363	31,077	115	1,025	496	182,673	1,636
TOTAL	2,089	706	80,079	957	72,492	733	39,957	289	3,092	1,156	363,948	4,537

1/77-6/77
7/77-12/77
1/78-6/78
TOTAL

EXHIBIT I-32
Summary of
Enforcement Cases

DEPARTMENT OF TRANSPORTATION U. S. COAST GUARD (CG-2767F (Rev. 7-67))		REPORT AND SUMMARY OF PENALTY CASES UNITED STATES COAST GUARD		REPORTS CONTROL SYMBOL CL-1053		
INSTRUCTIONS						
1. Submit reports semi annually 45 days after December 31 and June 30.						
2. The reports shall be in four sections, as follows:						
Section A - All cases over two years old						
Section B - All cases less than two years old which were brought forward						
Section C - All cases opened and closed during the reporting period						
Section D - All cases opened during the reporting period and pending at the end of the period.						
3. See current instructions in Merchant Marine Safety Manual for details for completing and presenting report data.						
4. Use reverse side for continuation						
PERIOD COVERED BY THIS REPORT						
1 JAN 77 - 30 JUNE 77						
INSTRUCTIONS						
1. Cases reported (List cases separately where required showing case number and statute violated. Where cases are not listed separately, show statute violated and number of cases involved.)		2. Statutory penalty	3. Penalty as conditional-ly mitigated (where appropriate)	4. Case closed without requiring payment. State whether: a. Under \$100 (U.S. dollar); b. Under \$100 (U.S. dollar); c. After submission of statement; remission of penalty. If other method, state how closed.	5. Closed by payment: State amount received and by whom, e.g., C.G. or U.S. Attorney	6. Case pending: State where; Dist. Off.; Inqrs., U.S. Attorney
163 46 USC 267 cases	1630			11300 CG		
33 USC 361	100			100 CG		
46 USC 526 c	100			100 CG		
46 USC 526 (b)(a)	100			2000 CG		
46 USC 267 c (b)	2000			60 CG		
46 USC 277	100			25 CG		
46 USC 319	60			50 CG		
46 USC 362 (b)	1000			5 CG		
46 USC 1461 (d)	500					
1461 (d)	1500					
1461 (d)	1000					
1461 (d)	500					
1461 (d)	500					
1461 (d)	500					
1461 (d)	500					
46 USC 405 (b)	1000					
46 USC 405 (b)	20					

1978 PIRS DATA
PENALTIES AND NUMBER OF CASES

	DIST 1	DIST 2	DIST 3	DIST 5	DIST 7	DIST 8	DIST 9	DIST 11	DIST 12	DIST 13	DIST 14	DIST 17
	CG ACTION	CG ACTION	CG ACTION	CG ACTION	CG ACTION	CG ACTION	CG ACTION	CG ACTION	CG ACTION	CG ACTION	CG ACTION	CG ACTION
*0-99 GALLONS												
# ASSESSED	124	491	278	161	603	976	134	89	102	258	19	106
TOTAL ASSESSED	19915	74175	122280	72150	115383	166850	11740	30350	17000	41620	3575	39200
AVERAGE PENALTY	160.60	151.07	439.86	448.14	191.36	170.95	87.61	341.01	166.67	161.32	188.16	369.81
*100-999 GALLONS												
# ASSESSED	16	269	65	75	81	327	36	12	11	29	2	11
TOTAL ASSESSED	6135	48645	64350	46000	31476	127775	6350	12575	6950	25650	210	13250
AVERAGE PENALTY	383.44	180.84	990.00	613.33	388.59	390.75	176.39	1047.92	631.82	884.48	105.00	1204.55
*1000-9999 GALLONS												
# ASSESSED	6	168	23	22	31	95	6	2	6	9	1	4
TOTAL ASSESSED	10250	52495	50200	18625	15500	96550	2800	4000	8250	21000	200	11000
AVERAGE PENALTY	1708.33	312.47	2182.61	846.59	500.00	1016.32	466.67	2000.00	1374.00	2333.33	200.00	2750.00
*10000-99999 GALLONS												
# ASSESSED	2	29	3	3		25			1	1		
TOTAL ASSESSED	3000	18100	8400	3000		26600			3000	5000		
AVERAGE PENALTY	1500.00	624.14	2800.00	1000.00		1064.00			3000.00	5000.00		
*OVER 100000 GALLONS												
# ASSESSED	1	7	3		2	1						
TOTAL ASSESSED	300	1500	13500		500	0						
AVERAGE PENALTY	300	214.29	4500.00		250.00							

COAST GUARD WIDE

10-99	AVG PENALTY	215.12
100-999	AVG PENALTY	764.96
1000-9999	AVG PENALTY	779.81
10000-99999	AVG PENALTY	1242.59
OVER 100,000	AVG PENALTY	1128.57

II. DISCUSSION AND CONCLUSIONS

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IMPLEMENTATION OF THE MSO CONCEPT

Discussion:

The initial authority for consolidating the functions of Captain of The Port (COTP) and Officer in Charge, Marine Inspection (OCMI) to form Marine Safety Offices (MSO) was provided by the Commandant in 1972. At this time, the marine safety area was expanding rapidly. It was evident that as the Coast Guard's responsibilities in marine environmental protection increased so too would the interrelationship between waterway safety and vessel safety activities. This established a need for functional integration that would be enhanced by the MSO. The general objectives of consolidation are to:

- Improve the effectiveness of Coast Guard marine safety activities through joint effort and reduction of duplication effort.
- Facilitate responsiveness through improved coordination.
- Improve manpower utilization by reduction of functional overlap and by providing a broad-based organization offering greater flexibility in balancing workload and personnel.
- Improve service to the public by reducing the number of contact points.

These general objectives certainly apply to activities in the investigative area particularly with respect to improved manpower utilization through a broader workload base. In the separate organization, investigations in the CVS and RBS areas are conducted by the OCMI organization, while MEP investigations are conducted by the COTP organization. There are

effectively two investigative organizations with little coordination and more importantly little opportunity to share workloads when an activity imbalance occurs, and in smaller offices insufficient workload for assignment of a full time investigating officer.

The Coast Guard is again (maybe continuously) facing additional responsibilities in marine safety with recent and pending regulations in the hazardous substances and facility casualty areas and added interest in foreign tank vessels. The need to consolidate offices is perhaps even more severe now than when the concept was developed.

The concept has wide support among Coast Guard officers. Officers in field units, district offices and headquarters are almost unanimous in supporting the MSO concept.

Consolidation has been taking place at a reasonable rate since the concept was developed. At the present time only Philadelphia, Houston, Los Angeles, Seattle, New York, New Orleans and St. Ignace/Sault St. Marie retain the split organization. Consolidation plans have been submitted for Philadelphia, Houston, Los Angeles and Seattle. Consolidation is expected to be completed in these four offices within two years.

There are no plans to consolidate New York or New Orleans because of the level of activity in these ports. These are the most active ports in the country and the opinion of many Coast Guard officers is that the span of control for the commanding officer would be too great if the offices were consolidated. If this is true there are at least two alternatives that can be considered to accomplish consolidation in these ports.

The first is to divide the zone and thus create two MSO's to replace the existing MIO/COTP offices. The second alternative was actually used in the Los Angeles consolidation plan, i.e., two captains were retained in the proposed MSO organization.

There are no consolidation plans for St. Ignace MIO and COTP Sault Ste Marie because of the distance between the ports. In this case consideration might be given to developing an MSO in one location and operating the other as a MSD or PSD as appropriate.

Conclusions

The MSO concept is a good one that promotes a number of operational improvements and the resulting reductions in cost and more timely response to critical situations. The opportunities for operational improvements offered by the MSO organization indicate that the Coast Guard should make a substantial effort to combine all field units, even those where some problems are expected. Elimination of all MIO/COTP offices would provide a Coast Guard wide type of organization and would promote real functional integration in the MSOs.

FIELD UNIT ORGANIZATION

Discussion:

The Marine Safety Manual Volume 1 states that the Commandant has expressed a policy desire to consolidate COTP/OCMI functions. The same volume also prescribes the organizational pattern of a typical MSO and the type of functional alignment desired. The organization chart included in the Marine Safety Manual (Plate 3-3-15.1) is reproduced on page I-4. This chart prescribes an Investigation Department which is responsible for all investigation type functions including marine pollution. The chart also prescribes a Port Operations Department with responsibilities for surveillance type functions including pollution and emergency response. In other words the organizational prescription proposes to take advantage of the opportunities for functional integration offered by the MSO organization by having the Investigation Department perform all investigations.

Unfortunately, based on personal interviews with personnel in five MSO's and telephone interviews with all MSO's in the continental U.S., this has not happened. Most MSO's continue to have two investigation functions with pollution investigations conducted by the Port Operations Department and other investigations conducted by the Investigation Department. The organization and the functional responsibility in the investigations area is little different in the MSO's and the offices that remain split. The effect of consolidation has been colocation and eliminating a Captain's billet, not the desired functional integration with the resulting operational advantages.

While most MSO's continue to perform pollution investigations in the "COTP side" a variety of concepts and levels of integrations have evolved and are in use. MSO Tampa appears to be the only office that follows the organizational prescription presented in Plate 3-3-15.1. MSO Port Arthur comes close but they have included pollution clean-up responsibility in the investigation departments. Other concepts in use for pollution investigations include:

- Investigations, report and review by port operations and final review by SIO, e.g., MSO Mobile
- Investigations and report by port operations, supervision and review by SIO, e.g., MSO Corpus Christi
- Investigation by port operations, report by investigating department (enlisted personnel), review by SIO, e.g., MSO Baltimore.

These practices, while they make some attempt to involve the Investigation Department in pollution investigations, fail to achieve the desired functional integration.

One reason for failing to integrate these functions may be traced to the regulations that the Coast Guard enforces. Many regulations assign authority by title. In particular the authority to enforce pollution regulations is assigned to the COTP. Similarly the authority to investigate facility casualties in newly proposed regulations is assigned to the COTP. Perhaps in some cases the CO MSO feels that the work should be performed on the "side" which has the regulatory authority. Revising regulations to assign authority to the CO/MSO is not possible while some offices still have the split MIO/COTP organization.

The residence of authority may be deterrent to functional integration but the reasons given in interviews for failing to combine the investigative functions generally can be called "lame excuses". Like:

- "We've always done it this way."
- "It won't work."
- "We haven't had time to think about it."
- "This office is different."
- The SIO "It would be fine with me but it would mess up MEP operations" and in the same office - the MEP officer "It would be great for me but the Investigating Department wouldn't like it."

Combining all investigative functions in the Investigating Department has several advantages:

- Provide a sufficient workload for assignment of a full time investigating officer in some small MSO's where investigations are now a collateral duty, thus allowing more attention and greater concentration in the investigative area.
- Reduce duplication of effort when a vessel casualty includes a pollution incident.
- Improve coordination and uniformity of investigative activities.
- Promote the use of enlisted personnel to perform or assist in commercial vessel casualty investigations.
- Broaden the experience of investigating officers.
- Allow longer periods of assignment for IO's.
- Reduce confusion and improve flexibility as new investigative responsibilities are added.
- Improve workload balancing and increase scheduling flexibility.

Conclusions

Coast Guard field units have not yet accomplished the integration expected as part of the MSO concept in the investigative area. This seems primarily due to inertia that can only be overcome by action from Headquarters. The best course of action would be to request organizational plans for integrating investigative functions or defending their failure to integrate, from each MSO.

OFFICER ASSIGNMENT AND TRAINING

Discussion:

Data describing the length of assignments as investigating officers and the time expected to reassignment were obtained by personal or telephone interview for each person assigned as an investigating officer in the Continental U.S.. Data describing previous experience and training were then obtained for these individuals from Officer Assignment Data Cards in headquarters. These data are presented in Chapter I of this report. The data generally indicate a lack of direct application of investigative skills gained by experience and training. Only 3.3 percent of the people presently assigned in Investigations Departments indicated previous assignments as SIO (Chief, Investigations Department) on their OADC and only five percent indicated previous assignments as IO's.

In personal interviews investigating officers were generally young officers on their first tours in marine safety (first or second in the Coast Guard). They had previous assignments in material inspection, licensing, admeasurement, vessel documentation and very rarely an assignment in MEP. They would be assigned as an investigating officer for about six months. After completion of their assignment as investigators they would be transferred to a new location. Most had attended the Marine Safety Basic Indoctrination Course at Yorktown early in their tour and many had attended IO school in Oklahoma City at the beginning of their assignment as an IO. (The data collected indicated only 11 percent had attended IO school but these data often indicate activity before the present tour). Their next assignment may be to a district office, or to Headquarters in the marine safety area or to some other Coast Guard function. The next tour is not often to another MSO/MIO and as indicated by the data previously referenced very rarely includes an assignment as an investigating officer.

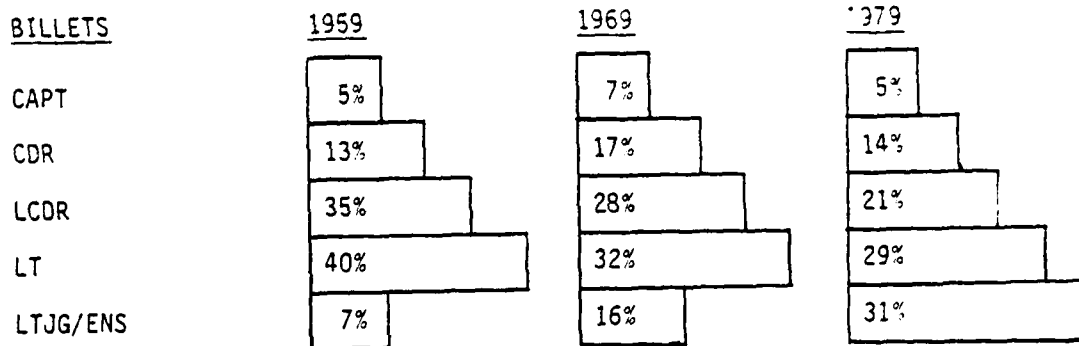
There are two basic reasons that tend to make IO assignments brief and subsequent assignments as IO's rare (1) The pyramidal rank structure and "up or out" requirements imposed by Title 14 of the United States Code and (2) The Coast Guard multi-mission, general duty officer policy.

Presently commissioned officers on the active duty promotion list are required by law to be distributed in the following percentages: Rear Admiral .75 percent; Captain 6 percent; Commander, 12 percent; Lt. Commander, 18 percent. The Secretary of Transportation prescribes the percentages applicable to grades of Lieutenant (currently 28 percent); and Lieutenant Junior Grade and Ensign (currently 35.25 percent).

The Coast Guard first got into the inspection/investigation business with the 1942 wartime transfer of the Bureau of Marine Inspection and Navigation from the Department of Commerce to the Coast Guard (then part of the Navy). With this transfer came a cadre of about 450 steamboat inspectors who became officers in the Coast Guard Reserve. This transfer became permanent in 1946 and the steamboat inspectors were commissioned regular Coast Guard officers. This was the origin of the Coast Guard Marine Inspection Office.

Steamboat inspectors were assigned ranks relative to their civilian position. Most were Lieutenant or Lieutenant Commander. The more important point is that those steamboat inspectors were considered "extra numbers" or limited duty officers who were not part of the pyramidal rank structure or subject to up or out requirements of the Kearns legislation. They could and for the most part did remain inspectors throughout their service in the Coast Guard.

The structure of the Coast Guard in this area changed as these extra numbers retired. People who could remain in an assignment permanently were replaced by people who must be promoted or get out and as they were promoted they reached ranks too high to fill billets in the inspection/investigation area at the field unit level. The experience level of an inspector changed from something in the order of 15 years to about one and one half to two years. The distribution of CVS billets from 1959 to the present is described in the figure on the following page.



The distribution by rank has changed from a diamond shape to a pyramid shape that is very close to the overall Coast Guard rank distribution requirements. None of the "extra numbers" remain as inspectors.

On a purely mathematical basis the effects of the pyramid distribution indicate (based on 5,000 officers) that each year 440 new officers must enter the Coast Guard and a similar number must leave. This is an 8.8 percent annual loss of experienced officers who are replaced by inexperienced officers. The distribution by rank of people who must leave, again on a purely mathematical basis, is 207 LtJG/Ens, 53 Lt., 80 LCDR, 67 CDR and 33 Capt. In actual practice the effects are not that severe, particularly in a period of growth.

The Coast Guard Officer Status Branch projects that in the next year (to Sept. 1980) the Coast Guard will experience a net gain of 180 officers. They will gain 452 new officers including 100 Warrant Officers directly commissioned as Lieutenants and will lose 272 officers. The loss is projected to be five through death, 148 through retirement, 80 through resignation (26 ens/JG, 40 Lt., 14 LCDR), and only 39 specifically because of failure to be promoted. While the effects are not as great as might be expected, eventually the mathematics will catch up with reality. It should also be noted that many of the resignations may have been due to anticipation of failing to be promoted and most of the retirements were forced rather than voluntary (LCDR must retire at 20 years and Captains at 30 years unless selected for promotion).

The distribution by rank of people presently assigned as investigators is shown below.

CDR	6.5%
LCDR	14.3%
LT	43.5%
ENS/JG	35.7%

The distribution is bottom heavy when compared to overall Coast Guard requirements. Lieutenants are 15.5 percent above overall. This means there are few opportunities for an officer with more than about eight years experience to have an assignment as an investigating officer. As they are promoted, which is inevitable, their ranks become too high to fill billets as investigating officers.

The other factor limiting lengthy assignments as investigating officers, the general duty officer policy, is perhaps even more restrictive than the pyramidal rank structure. An officer assigned to an MSO is expected to learn half a dozen functions during his three to four year tour. In many cases the pattern will be repeated during their second tour in another program area. This intensive and varied training leads Coast Guard officers to speak of themselves as "talented amateurs" and "jack of all trades" and to say things like "we are all training to be Commandant".

This is not intended to say that training is wasted. People trained as investigating officers and other MSO functions often are assigned to Headquarters or district positions that use their training both generally and directly. They may return to an MSO as a CO or XO, in which case their previous training would be very valuable.

This is also not intended to say that the general duty officer policy is bad. After all the Coast Guard has a multi mission job to do. The general duty officer-multi mission approach has permitted a relatively small organization to become extremely responsive to public need in a wide variety of activities and to shift emphasis on short notice with relative

ease when the need arises. The Coast Guard is continually accepting new responsibilities with virtually no increase in resources. The Coast Guard has a level of effectiveness and a degree of flexibility that can be matched by few organizations, government or private.

The questions are: Is the Coast Guard trying to do too much with too little? Have they sacrificed specific mission efficiency for maximum overall effectiveness? In the area of investigations there is a danger that these are true. In some MSO's no one in the investigating office has any significant experience as an investigator. For some their assignment as an investigating officer is their first assignment in the Coast Guard. Investigations are conducted with a cook book approach using the Marine Safety Manual. Of course the inexperienced investigator may get assistance from the XO, CO or other senior officer if he feels he needs it and in cases of major or significant casualties the investigation will be performed by senior personnel. The danger is that the cause of a minor incident may not be correctly identified, and that the real cause, which could only be detected with the judgement and expertise produced by significant experience, might later produce a major casualty. This is not intended to be a statement of fact, but to point out what may be a very real possibility.

The most difficult type of investigation, particularly for an inexperienced officer, is the personnel investigation involving incompetence or negligence. It is likely that a significant number of these cases are not initiated because of a lack of experience, confidence or time on the part of the investigating officer. This is supported by the investigation activity reports submitted by MSO's/MIO's. During the period 1 Jan 77 to 30 Jun 78 a total of 11,811 casualty investigations were conducted. During the same period only 3,307 investigations of incompetence or negligence were conducted of which 135 were proven in a hearing. This seems very low and in the opinion of officers in G-MMI-2 is much lower than it should be.

The most obvious solution to the lack of experience generally found in Investigation Departments is to extend the period of assignments as investigating officers. A policy requiring a minimum assignment of 12 months as an investigator should be considered.

There are a number of other possibilities for improving the continuity of experience level in investigation.

- Realign the billet structure and assignments below Captain for IO billets to conform to overall pyramidal constraints.
- Allow officers who wish to remain IO's to be removed from the Active Duty Promotion List and become special duty officers.
- Use civilians to supplement Coast Guard Officers in the investigative role.

Realignment of billets in investigations to conform to the pyramidal structure would increase assignments as investigators at the rank of Commander and Lieutenant Commander by 44 percent. This increase in senior officers could be expected to increase the quality of investigations and the level of training of junior officers.

There are some officers who enjoy investigative duty and who, for a variety of reasons, prefer to remain in a position with investigative responsibilities. In order to retain these officers, and their experience and expertise, and if there is significant interest in positions of this type, the Coast Guard should find the means to allow permanent assignment to investigations as special duty officers. Perhaps an MSO officer billet could be created to accommodate officers with this interest, allowing promotions within this specialized area. The MSO officer would rotate from port to port, duty to duty, but perform the same general MSO activities throughout.

It is a common practice for the Coast Guard to use civilians in the organization to provide technical continuity, however, they are virtually non-existent in investigations. The biggest problem with using civilians as investigators is finding qualified people. The best source is probably retired Coast Guard personnel.

Conclusions

There is a lack of experience, generated by both policy and law, in the investigations area that may have an impact on the quality of mission performance. This can be seen as a problem beginning to surface that will become more severe with increased responsibilities and higher technical requirements.

THE USE OF ENLISTED PERSONNEL IN INVESTIGATIONS

Discussion:

Enlisted personnel are presently heavily involved in investigative activity. In fact 57 percent of investigative man-months are attributable to enlisted personnel. But this activity is substantially restricted (94 percent) to pollution investigations. Enlisted personnel are not normally used in other types of investigations.

Perhaps the major reasons for this limited use of enlisted personnel are assignment policy and organization. When the Coast Guard first got environmental protection responsibility, the function was assigned to the COTP's. At that time enlisted personnel were assigned to the COTP to perform pollution surveillance, emergency response (clean up) and investigations. As stated earlier, this situation has not changed in the MSO organization. Enlisted personnel are assigned to the Port Operations Department while people assigned to the Investigation Department are virtually all officers. With the present functional split in investigation activity, enlisted personnel have little opportunity to become involved in other types of investigations. The unification of investigative functions in field units will give enlisted people an opportunity to participate in other types of investigations. It seems that their participation should be encouraged.

The workload in investigations is expected to increase substantially during the next few years. One added responsibility is the investigation of waterfront facility casualties which is expected to require 32 additional investigators. Another is the investigation of hazardous substances incidents which is expected to increase the reports of pollution incidents by 800 percent with a not yet determined effect on the investigative workload.

Enlisted personnel can be expected to make a major contribution to meeting the requirements of these new programs and at the same time participate in other areas of investigation. Coast Guard officers generally

approve of the use of enlisted personnel (E-4 and above) to perform routine casualty investigations on their own and assist an officer in conducting more complex investigations. Also since training requirements are not as great for enlisted personnel as for officers, longer assignments of enlisted personnel should be possible, thus increasing the level of experience and improving continuity in the Investigation Department.

There is presently no enlisted rate in the Marine Safety area. Enlisted personnel are more or less borrowed from other specialties. Typically, enlisted personnel in a MSO have been assigned to complete the last 12 to 18 months of their initial four year enlistment. This practice is preferred by Marine Safety management. They do not want recruits. Rather they feel that people with two and one half to three years experience in maritime activities will be much better equipped to handle the assignments in Marine Safety. While this is certainly true, the practice may create other problems.

Enlisted personnel may return to their speciality or more likely leave the Coast Guard. In either case, the training and experience they have gained is lost. Also, based on interviews with enlisted personnel in field units, they dislike assignments in Marine Safety. This dissatisfaction is not because they don't enjoy the work (they generally do), but because they feel the assignment out of their specialty hurts their opportunity to advance in the Coast Guard.

This dissatisfaction probably has an impact on the re-enlistment rate. The rate on first re-enlistments is currently 20 percent and on second re-enlistments 62 percent. These rates, particularly the second re-enlistment rate are lower than should be expected. Unfortunately, an analysis of trends in re-enlistments relative to assignments is not practical because all records are maintained in manual files. The Office of Personnel is currently installing a computer system for maintaining Coast Guard personnel records. When this installation is complete an analysis of the sort described above will be practical.

The dissatisfaction with assignments out of specialty and the interest of Marine Safety of using enlisted personnel only after they have gained experience in other areas can both be resolved by creating a Marine Safety rate that begins at the Second Class Petty Officer level. Enlisted personnel could continue service for 12 to 18 months in marine safety as they presently do under their entry rate. Then upon acceptance of their application and appropriate testing they would be granted the Marine Safety rate. Individuals who do not choose to apply for the Marine Safety rate would be returned to duty in their original specialty if they re-enlist. In this way, they would have a dual specialty and could advance at a normal pace in the marine safety rate while retaining some capabilities of their original rate. This arrangement would enhance the multi-mission capabilities of the Coast Guard and improve the morale and possibly the re-enlistment rate of enlisted personnel.

Conclusions

Enlisted personnel presently perform an important role in investigations but could be of even greater value. New programs can be expected to increase the need for enlisted personnel. A marine safety rate will allow greater use of enlisted personnel in investigations.

HEADQUARTERS ORGANIZATION

Discussion

The MSO concept at the unit level and realignment of the district organizations offer an opportunity for functional integration and unification of investigative activities. No similar change in Headquarters organization has occurred. Headquarters is very strongly divided into "M" and "W" with boating as a third element. The units serve many masters who compete for resources and responsibilities at the highest organizational levels. This can be seen as a primary obstacle to functional integration at the unit level.

The elements of the Headquarters organization which have a need for coordination, interaction and the development of common goals are G-MMI, G-WEP-3 and G-WLE-1. Boating is not included because boating programs seem to have different operational requirements. Boating is discussed in a separate section of this report.

Conclusion

The Headquarters elements G-MMI, G-WEP-3 and G-WLE-1 must be combined under the same flag officer to achieve functional integration and unification of investigative activities throughout the Coast Guard.

RECREATIONAL BOATING ACCIDENT INVESTIGATION

Discussion

Coast Guard responsibility for the investigation of recreational boating accidents is currently divided between the district and field levels. District responsibility includes processing of all boating accident investigations, but the actual investigative role is limited to non-fatal accidents. The investigation of fatal accidents is the jurisdiction of the Marine Inspection Office/Marine Safety Office (MIO/MSO) for the area in which a fatal accident occurred.

The general sequence of events in fatal boating accident investigations indicates that the MIO/MSO involvement is often delayed and perfunctory, and the investigation itself is in many ways redundant. Several factors contribute to this situation, not the least of which is the peripheral placement of recreational boating accident investigations in the overall functioning of the MIO/MSO. With the majority of MSO/MIO time occupied with commercial vessel matters, the resulting relegation of boating cases to the minor role causes these cases to be delayed up to several weeks after the event and the investigation itself to very often consist of a telephone call. The investigation itself is normally for amplification or clarification of information already provided in the Boating Accident Report (BAR), or, when not included, to obtain the autopsy or coroner's report.

Exhibit II-1 on page II-22 summarizes field involvement in boating accident investigation. Field personnel time for each district is categorized by officer, enlisted, and total with investigative time values expressed in man-months. Boating investigative man-months are shown in relation to all investigative activity man-months, and as a percentage of total investigative effort. Man-month information was taken from Exhibit I-7 on page I-20, while the average annual field boating investigation data were compiled from forms CG-2802 (Report of Merchant Marine Investigations and Hearings) for a nine quarter period.

Exhibit II-1 substantiates the submission that, at the field level, boating accident investigation is a minor role. For all MIO/MSO's in the 12 districts only 5.8 percent of total investigative time is devoted to boating investigations, and boating accidents comprise only four percent of total cases investigated.

In contrast to MIO/MSO boating responsibility and activity, district involvement is more comprehensive and therefore time expenditure and case loads are greater. In the district Office of Boating Safety, the District Accident Investigation Coordinator (DAIC) deals exclusively with boating affairs and the management of boating accident investigations, including fatal accident investigations. All Boating Accident Reports (BARs) for accidents in his district are forwarded to him by state boating authorities. It is the DAIC's responsibility to investigate non-fatal accidents where necessary, and to assign the investigation and forward the BAR for fatal accidents to the appropriate field unit. It is also his responsibility to review all BARs and investigations for completeness and accuracy prior to forwarding to Headquarters. Consequently, the DAIC is thoroughly familiar with state and federal boating laws, with law enforcement officials, and with the Coast Guard mission in boating safety and accident investigation.

By transferring responsibility for fatal boating accident investigation from the MIO/MSO to the district and the DAIC, redundant steps in the investigation process would be eliminated and the quality and importance of these investigations would be enhanced. The knowledge and experience in investigations, and the current level of involvement of the DAIC in fatal investigations processing, combined with the actual number of fatal cases and time spent on them would mitigate the increased workload the DAIC would assume with the responsibility for fatal accident investigations. Current field level of involvement suggests that time is now made for boating investigations and that it could as easily be ignored; with the advent of new MIO/MSO responsibilities in the areas of marine facilities and hazardous substances, the time now given to boating would decrease further if fatal accident investigation responsibility remained with the MIO/MSO.

The increase in district level workload as a result of total boating accident investigation responsibility would be mitigated by the following considerations:

- Nature of the fatal accident "investigation" itself, i.e., telephone contact.
- Existing district boating personnel familiarity with investigation requirements and procedures.
- Current degree of involvement of district personnel in fatal accident investigations.
- Increasing the utilization of district boating enlisted personnel, specifically the BOSTEAM's, in all accident investigations.

The net effect on district manning levels with this increased responsibility would range from negligible, in the case of the 14th District (1.14 man-months now spent on fatal investigations) to the necessity to increase district boating staff levels by approximately two persons, as in the 8th District (30.66 man-months on fatal investigations). District time on these additional investigations would not be as great as the addition of total field level time, since district time now spent on the handling and routing of investigations would be channeled toward investigation efforts. Contact with district boating staffs also indicates that the additional manpower which would be necessary to handle any increased caseload would be in the clerical area rather than the investigative staff.

Conclusions

The transfer of fatal accident investigation responsibility from the MIO/MSO to the district level will serve to increase the efficiency of fatal boating accident investigation and would not severely impact on district manning levels. Removal of this responsibility from the MIO/MSO would have little to no effect on the functioning of the MIO/MSO and would in fact increase the ability of the field units to accomplish their primary mission, particularly in light of new responsibilities in the areas of facility investigations and hazardous substances monitoring and investigations.

District indoctrination in fatal accident investigation would not be necessary, as district boating personnel are already thoroughly familiar with recreational boating accident investigation methods and procedures. This transfer of fatal accident investigation to the district will also serve to unify the entire Coast Guard recreational boating accident investigation role and provide a greater degree of managerial control.

EXHIBIT II-1
Fatal Boating Accident
Investigation Involvement
at the MIO/MSO Level

District	FIELD UNITS INVESTIGATIVE MAN-MONTHS						FIELD CASE LOADS*				
	Officer			Enlisted			Total			Avg. Annual RBS INV	RBS INV As % of ALL INV
	RBS	ALL	RBS %	RBS	ALL	RBS %	RBS	ALL	RBS %		
1	4.80	63.84	7.5	0.00	135.60	0.00	4.80	199.40	2.4	24.0	2.1
2	15.06	164.94	9.1	14.40	319.80	4.5	29.46	484.74	6.1	110.4	4.3
3	25.68	252.72	10.2	0.00	317.40	0.0	15.68	570.12	4.5	64.4	3.6
5	26.64	168.48	15.8	3.60	187.20	1.9	30.24	355.68	8.5	98.0	5.2
7	16.44	152.76	10.8	0.00	143.40	0.0	16.44	296.16	5.6	126.8	6.3
8	30.66	387.90	7.9	0.00	466.20	0.0	30.66	854.10	3.6	129.6	2.1
9	18.27	136.59	13.4	3.00	322.92	0.9	21.27	459.51	4.6	98.8	9.4
11	19.20	92.10	20.8	0.00	165.60	0.0	19.20	257.70	7.5	49.2	5.8
12	19.20	112.80	17.0	0.00	58.80	0.0	19.20	171.60	11.2	61.6	6.3
13	27.00	133.80	20.2	0.00	148.20	0.0	27.00	282.00	9.6	51.6	4.7
14	1.02	16.94	6.0	0.12	10.83	1.1	1.14	27.77	4.1	6.4	2.4
17	11.34	82.44	13.8	3.84	69.60	5.5	15.18	152.04	10.0	11.6	1.6
Total	215.31	176.31	12.1	24.96	2345.55	1.1	240.27	4110.86	5.8	827.2	4.0

*Compiled from
form CG-2802

INVESTIGATING AND REPORTING MINOR INCIDENTS

Discussion

Reporting and documentation procedures for violations (CG-2636), pollution violations (CG-3639), suspension and revocation (CG-2639), and commercial vessel casualties are essentially the same for minor incidents and major incidents. It appears that a simpler check-block type of form with space for entry of a one- or two-line statement may be desirable to record the necessary investigation report information for some minor incidents. In addition to reducing the workload in investigation and typing, this procedure would simplify the hearing officer's job, in appropriate cases, by reducing unnecessarily lengthy and complex narrative reports.

A few common criteria which may be used to judge whether a one-page check-block type of form is appropriate for the above mentioned investigative activities are as follows:

- Is the violation likely to be contested?
- Is the penalty for the violation a small monetary figure?
- What and how many points of evidence must be established to prove a violation by the guilty party?
- What is the extent of the damages in monetary or other terms?
- Is the incident a commonly recurring, minor incident?
- What data elements are required by the various data base and reporting systems?

Interviews with various appropriate Coast Guard personnel were conducted to determine if the one page check-block form would be adequate for the investigative reporting needs of each of the marine safety activities. Each of these criteria were discussed in determining which types of violations or casualties could be reported for each activity area using the check-block procedure.

Form CG-2636, Report of Violation, and supporting documentation (e.g., statements of witnesses, photographs, interviews) are currently generated in reporting the investigation of a violation, other than violations of the Federal Water Pollution Control Act. The Form CG-2636 is filled out by the investigating officer and includes:

- (1) Vessel/Facility Information
- (2) Certificate of Inspection
- (3) Name and Address of Responsible Party
- (4) Inspection/Boarding Date
- (5) Summary of Violation
 - a. statute violated
 - b. nature of violation (brief description)
 - c. penalty (disposition and action)
- (6) Narrative Summary
 - a. statement of facts
 - b. sketches, diagrams
 - c. witnesses - names, addresses, etc.
 - d. other comments

When reported violations involve complex situations, require lengthy substantiation, are the result of commercial or recreational casualties, or otherwise involve major violations, a short, check-block violation report does not appear to be warranted. For these cases, considerable enumeration of statutes violated, substantiation of elements of proof, and documentation of supporting evidence is required to provide a preponderance of documentation to prove the violation. When violations are minor, involve violation of one or two clearly defined regulations, incur small monetary penalties, and generally do not require substantiation by an investigation, a short, check-block report may be desirable. Many violations uncovered as a result of observations made during inspections that are part of the Port Operations Safety programs are of this type. These violations are normally the results

of failure to maintain proper equipment which can be easily substantiated and are not likely to be contested. In this case, a "traffic ticket" type of form can be used, checking the violation in the appropriate block, and assessing a predefined penalty at the end of the inspection. A few of the most common, minor violations should be included on this form to permit easy violation reporting, therefore, reducing data entry workloads.

Suspension and revocation investigations and investigation reports are the result of misconduct or negligence violations by seamen while acting under the authority of Coast Guard issued documents. Violations with suspension and revocation as the remedial action are generally not considered minor, as a violator could lose the means by which he earns his livelihood. However, there are violation instances involving civil penalties as well as suspension and revocation, which, if explicitly delineated, could be handled by a "check-block" type of form.

As things exist, when an investigator is faced with an infraction of a regulation on the part of a licensed or documented seamen he may only institute suspension and revocation procedures. This may consist of a written warning; however, if the warning is refused, official Coast Guard policy requires that a charge must be served with the attendant costly, lengthy, and for the seaman, personally disruptive hearing process.

There are borderline cases where remedial action of some sort is necessary, but suspension and revocation proceedings may not be entirely appropriate. However, to avoid burdening IO's with unneeded complication which may arise from the institution of yet another option of action, very explicit utilization guidelines for a "check-block" form of citation must be established. The situation must involve a minor infraction due to lack of knowledge, inattention to duty, or negligence. It must be a situation covered by a regulation which has a civil penalty. The evidence required for proof must be obviously present. The infraction must not have resulted in other than minor injury, damage, or pollution, if any.

A few examples may illustrate:

Example A:

A towing vessel is boarded and the operator has no license with him. He states that he has a license but left it at home. No injury or damage is involved.

The evidence is obvious that the operator is in violation of 46 CFR 10.16-81 which was issued under Revised Statute 4427 (46 USC 405(b)) which is part of Title 52. The penalty for violation of any of the provisions of Title 52 is contained in 46 USC 497 allowing a maximum \$500 civil penalty.

This case could be handled by a written warning or by the service of a charge of negligence. However, the infraction outlined is hardly serious enough to justify a hearing before an ALJ. Therefore the IO may well ignore the infraction or verbally warn the operator. If more is to be done, then S & R is the only option under present policy.

Example B:

Two tugs and tows meet and safely pass in inland waters. A Coast Guard patrol boat notes that neither vessel sounded the whistle signals prescribed in 33 USC 203, Rule I (Inland Rules Article 18, Rule I).

Both operators could be warned in writing or charged with negligence. This is a minor incident hardly meriting such drastic action; however, it is desirable that strict compliance with the Rules of the Road be required. The penalty statute for violation of 33 USC 203 is 33 USC 158 providing for a civil penalty of up to \$500.

Example C:

During transfer of gasoline from a barge to a shore facility a Coast Guard boarding officer finds that the tankerman and dockman failed to complete and sign a Declaration of Inspection as required by 33 CFR 156.150(a). No oil discharge has occurred and the transfer is proceeding normally.

The tankerman could be warned or charged for negligence. The dockman could be cited for a violation of the pollution regulations. This is a minor infraction with serious implications which should not go unnoticed; however it may not merit the lengthy and costly S & R proceedings. A more efficient method would be to cite both men on the spot for the violation which is covered by penalty statute 33 USC 1321 (j) (2) allowing a \$5000 civil penalty.

Commercial vessel casualty investigations are reported using one of the following four investigation/reporting procedures:

- Informal without narrative
- Informal with narrative
- One-man formal
- Marine Board of Investigation.

The informal investigation without narrative is used when the cause of the accident or casualty is self-evident from information contained in the report forms* (CG-2692, CG-924-E) or other investigation. These cases are generally trivial and the action taken or recommended can be simply stated. In these cases, the forms and a letter of transmittal stating the facts in the case are currently required and are sufficient to close the

* Forms required by the owner, agent, master, or person in charge of a vessel involved in a marine casualty.

case. A new type of form is currently being designed to replace the 2692 and 924E as well as the letter of transmittal and the narrative report which is used in the other three levels of investigation/reporting. This multi-part form is being developed by the Marine Safety Evaluation Branch (G-MMI-3) and consists of the following:

- Report of Marine Accident or Casualty (completed by owner/operator).
- Notification of Commercial Vessel Casualty or Boating Accident (completed by IO as soon as he has sufficient information to open an investigation; serves as preliminary report and is immediately transmitted to HQ).
- Investigating Officer's Report of Commercial Vessel Casualty (pages 1-10).
- Inspector's Report of Material Failure (pages 1-10).

Much of the form is check-block in nature with other areas of the form permitting narrative descriptions and lengthy responses. It appears that in the future most or perhaps all "informal without narrative" investigations currently requiring the CG-2692/CG-924-E forms and a letter of transmittal may only require completion of the Report of Marine Accident or Casualty and Notification of Commercial Vessel Casualty or Boating Accident pages. The other three casualty investigation/reporting procedures currently requiring a narrative will probably require completion of these two pages and parts or all of pages one through ten and are not likely candidates for shortened reporting procedures. The information recorded in the Notification page includes:

- Location of casualty/accident.
- Date and time of casualty/accident.
- Type of casualty/accident (check-block).
- Did pollution occur? Damages? Severity?
- Vessel name, official number, type of vessel.
- Type of investigation planned (not needed for minor incidents which will not be investigated currently resulting in an informal without narrative report).
- Short narrative description of casualty.

Form CG-3639, Water Pollution Violation Report, and supporting documentation are currently generated in reporting the investigation of a violation resulting from the discharge of a harmful quantity of oil or a hazardous substance into, or on the shores of, U.S. navigable waterways. The complexity of this report depends upon the severity of the pollution incident and the amount of evidence which the investigating officer collects to prove or assign guilt. The investigating officer completes a file during the investigation which usually consists of the following documents or enclosures:

- Forwarding letter (to the district).
- Form CG-3639.
- Form CG-3639A (Blue Book used to collect data to include in CG-3639).
- Notification log.
- Elements of violations.
- Investigating officer narrative.
- Supporting evidence (including samples and analysis, if available).
- Photographs.

Personnel in the Coast Guard Headquarters G-WEP-1 state that 80 percent of the pollution incidents per year involve spills of 50 gallons or less with an average assessed penalty of about \$200.* Many of these minor pollution incidents may be candidates for a shorter reporting procedure when there is direct evidence of a spill from a particular source, the penalty is small, and the likelihood of the violation being contested is small. Each year there are approximately 11,000 incidents in inland and coastal waters considered to be minor by Coast Guard definition. A simpler "traffic ticket" form specifying the accused or responsible party, type of violation, location, date, time, severity of

* From Pollution Incident Reporting System.

spill, penalty recommended or specified by law, and perhaps a short narrative could be applied.

Conclusion

Implementing shorter, check-block type forms for certain types of violations requiring minor substantiating evidence, for minor oil pollution violations, and for commercial vessel casualties usually requiring an informal report without narrative may result in reduced investigative, reporting, and reviewing workloads. It has been pointed out by Coast Guard personnel that writing up unnecessarily lengthy reports generated by investigations of minor violations and casualties probably costs more than the penalty assessed. The shorter form is applicable when direct evidence is sufficient to close the case. If the type of violation is usually expected to be contested, requiring documentation of elements of proof, the shorter, check-block form is not warranted. This is especially true for investigations and reports concerning suspension and revocation cases. However, the examples on pages II-26 and II-27 illustrate an alternative method of handling those borderline cases where action of some sort seems to be necessary, but suspension and revocation proceedings may not be entirely appropriate for reasons explained.

This recommendation could be effected by:

- (a) Promulgating policy allowing licensed or documented seamen in certain cases to be cited for violations rather than charged or warned.
- (b) Promulgating explicit guidelines for the use of this procedure.
- (c) Initiating a check-block form for on-the-spot preparation and service.

One consideration must be clearly established. It would be entirely inappropriate for the two avenues of enforcement to be intermingled at all. For instance, were the Investigating Officer to offer a letter of warning to a seaman for his part in any incident, and the seaman refused

to accept the warning, the IO should not then cite the man for a violation. There should be no hint of financial coercion implied in the use of suspension and revocation proceeding. There should be no hint that, once an infraction is noted, the violator has in any way been offered a shopping list of optional remedies. The Investigating Officer may be exercising options. The violator must have an option only in that he may rightly refuse to accept a letter of warning. Of course, during the actions following the issuance of a citation or procedures of suspension and revocation, the seaman has all of the options afforded by the requirements of due process.

REVIEW OF INVESTIGATIVE REPORTS

Discussion

Investigation reports prepared by Investigating Officers (IO's) in the MIO/MSO are subject to multiple review as they are forwarded through the field level to the district and to Headquarters. A typical investigation report review proceeds as follows:

- Up to four reviews by MIO/MSO staff prior to submittal to the district.
- Up to three reviews by district staff prior to submittal to Headquarters.
- Headquarters review by G-MMI-1.

It is distressing to note that with this multiple review procedure there is still a 10 percent rejection rate by Headquarters back to the field.

At the field level, the CVS and MEP programs account for approximately 83 percent of all investigative time spent by the investigative staffs. For this reason, investigative effort for these two programs has been charted for both field and district staffs. By utilizing these charts, a comparison of investigative involvement can be made between these two levels. Exhibit II-2 on page II-36 provides data for the CVS program, and Exhibit II-3 on page II-37 provides data for the MEP program. A summary is given for total investigative effort at the field, that is, for all investigations. CVS and MEP investigative efforts are percentages of the total time.

At the field (MSO/MIO) level, 672 people spend 4,110.86 man-months on all investigation activities. A total of 248 officers account for 1,765.31 man-months, while 424 enlisted spend 2,345.55 man-months on investigations. This breaks down to an average investigative time of seven months for each enlisted person in the MIO/MSO's. For the period 7/77-6/78 MIO/MSO investigative effort for the CVS and MEP programs was as follows:

- CVS - 8,224 cases
 - 42 percent of all IO time involved CVS
 - this corresponds to 18 percent of total staff (IO time plus enlisted time) investigative activities
 - 2 percent of all enlisted time was spent on CVS investigations
 - this corresponds to 1 percent of all investigative staff time
 - total CVS investigation time occupied 19 percent of all MIO/MSO staff time.
- MEP - 4,916 cases
 - 24 percent of all IO time involved MEP
 - this corresponds to 10 percent of total staff investigative activity
 - 94 percent of all enlisted time was devoted to MEP activities
 - this corresponds to 54 percent of all enlisted staff investigation effort
 - 64 percent of all MIO/MSO staff investigative time was devoted to MEP activity.

Included in the above MIO/MSO time and manpower expenditure is the effort which goes into the MIO/MSO review of investigation reports. The field review procedure is as follows:

- Review in draft, handwritten form by the SIO or XO of the MIO/MSO.
- Typed and proofread by the IO.
- Review by SIO, XO, and CO of the MIO/MSO.
- Endorsed by CO of MIO/MSO.

It is obvious that the field level review process is quite thorough, and that further review becomes redundant.

The primary duty of the district branches involved in investigation is the review of investigation reports. District staff time spent on CVS and MEP programs is summarized on the same exhibits as field time. It should be stressed that while field time includes the investigation itself as well the multiple review, district time is basically for the review of these investigation reports. The district review process effort can be summarized as follows:

- CVS
 - each of 23 officers spends an average of 30 percent of his time on investigations
 - twelve (12) enlisted personnel spend an average of 31 percent each of their time on investigations
 - thirty-nine (39) district staff members each spend an average of 31 percent of their time on investigations
 - an average of two officers and three enlisted people are involved in CVS investigations in each district.
- MEP
 - each of 33 officers spends an average of 30 percent of his time on investigations
 - twelve (12) enlisted personnel spend an average of 44 percent each of their time on investigations
 - fifty-one (51) district staff members each spend an average of 42 percent of their time on investigations
 - an average of two officers and three enlisted people are involved in CVS investigations in each district.

The investigation report review in which the above personnel are primarily involved proceeds as follows:

- Review by an officer of the appropriate branch.
- Review by the chief of that branch.
- If the investigation is of significance, review by the chief of the Marine Safety Division and the district CO.
- Endorsement by the district CO.

At the district level, then, the investigation reports are again subjected to a multiple review. Reports on which significant time and manpower have been expended at the field level are again reviewed by a significant number of people devoting a significant amount of their time to that effort. But, at the district level, this review is their primary function, and even with all the extra effort put into the review by the district, a relatively large percentage still do not meet Headquarters criteria. It would seem that this redundancy of review has diminishing returns as it progresses upward, and that perhaps once the reports have left the field

level any further review is of little consequence. In fact, it might be that the further removed from the IO involved, the less substantive are the reviews and the effort applied.

Conclusions

The review of investigative reports presently has a level of redundancy which does nothing to increase the quality of investigations and investigation reports received by Headquarters. A 10 percent rejection rate after numerous reviews indicates that the objective of the review has been lost in the shuffle. A possible conclusion from the data would be that the district review is self-serving, i.e., that district investigation staffs are maintained to review investigation reports, but that they in fact do not accomplish their raison d'etre. It appears that elimination of district investigation report review would have little effect on the reports themselves, and would eliminate a totally redundant step in the investigation process. Elimination of these responsibilities in the district office would release part of the district staff to more productive functions, possibly to upgrade the investigating office staffs in the MIO/MSO's.

EXHIBIT II-2
Investigative Effort
(Field and District Level)

CVS (Personnel)														
District	FIELD						District							
	Total Investigative Effort						Field							
	Total Officer		Total Enlisted		Total		Officer		Enlisted		Total		Officer	
	People	Man-Months	People	Man-Months	People	Man-Months	Man-Months	% of Time on Invest.	Man-Months	% of Total Invest. Time	Man-Months	% of Total Invest. Effort	No.	Total Time (%)
							7/77-6/78							
1	9	63.84	20	135.60	29	199.44	250	33.00	52/17	0.00	0/0	33.00	17	45
2	32	164.94	59	319.80	91	484.74	812	63.24	38/13	10.44	3/2	73.68	15	40
3	24	252.72	36	317.40	60	570.12	958	82.80	33/15	0.00	0/0	82.80	15	130
5	15	168.48	37	187.20	52	355.68	638	84.12	50/24	4.80	3/1	80.92	25	175
7	18	152.76	34	143.40	52	296.16	594	69.12	45/23	0.00	0/0	69.12	23	140
8	56	387.90	75	466.20	131	954.10	2617	206.94	53/24	2.40	0.5/0.3	209.34	24	130
9	37	136.59	82	322.92	119	459.51	494	36.81	27/8	6.00	2/1	42.81	9	65
11	10	92.10	18	165.60	28	257.70	371	26.40	29/10	0.00	0/0	26.40	10	5
12	16	112.80	28	58.80	44	171.60	510	48.00	43/28	0.00	0/0	48.00	28	37
13	13	133.80	22	148.20	35	282.00	638	52.44	39/19	0.00	0/0	52.44	19	345
14	3	16.94	2	10.83	5	27.77	120	10.39	61/37	0.35	3/1	10.74	39	10
17	15	82.44	11	69.60	26	152.04	222	32.78	40/22	17.40	25/11	50.18	33	90
Total	248	1165.31	424	2345.55	672	3110.86	8224	746.04	42/18	41.39	2/1	787.43	19	1242

EXHIBIT II-3
Investigative Effort
(Field and District Level)

District	FIELD										POLLUTION (Personnel)									
	Total Investigative Effort										Field									
	Total Officer					Total Enlisted					Officer					Enlisted				
	People	Man-Months	People	Man-Months	People	Man-Months	People	Man-Months	People	Man-Months	Man-Months	% of Total Invest. Time	% of Total Invest. Time	% of Total Invest. Time	% of Total Invest. Time	Man-Months	% of Total Invest. Time	% of Total Invest. Time	% of Total Invest. Time	% of Total Invest. Time
	7/77-6/78	Uses	7/77-6/78	Uses	7/77-6/78	Uses	7/77-6/78	Uses	7/77-6/78	Uses	7/77-6/78	Uses	7/77-6/78	Uses	7/77-6/78	Uses	7/77-6/78	Uses	7/77-6/78	Uses
1	9	63.84	20	135.60	29	199.44	667	10.80	17/5	123.60	91/62	134.40	67	3	60	2	90	--	--	150
2	32	164.94	59	319.80	91	454.74	902	49.26	30/10	255.72	80/53	304.98	61	3	210	--	--	--	--	210
3	24	252.72	36	317.40	60	570.12	58	50.64	32/14	317.40	100/56	398.04	70	3	125	1	95	1	95	315
5	15	168.48	37	187.20	52	355.68	1091	21.00	12/6	177.60	95/50	198.60	56	3	135	--	--	1	10	145
7	18	152.76	34	143.40	52	296.16	367	48.24	32/16	133.80	93/45	182.04	61	2	95	1	30	1	90	215
8	56	387.90	75	466.20	131	854.10	1029	45.72	12/5	463.80	99/54	509.52	60	3	190	--	--	1	25	215
9	37	136.59	82	322.92	119	459.51	247	58.68	43/13	304.08	94/66	362.76	79	4	140	3	205	1	50	395
11	10	92.10	18	165.60	28	257.70	113	20.10	22/8	165.60	100/64	185.70	72	3	61	--	--	--	--	61
12	16	112.80	28	58.80	44	171.60	26	16.80	15/10	50.80	56/30	67.60	39	4	15	3	75	1	86	176
13	13	133.80	22	148.20	35	282.00	22	39.00	29/14	148.20	100/53	187.20	66	3	153	--	--	--	--	153
14	3	16.94	2	10.01	5	27.77	39	1.82	11/7	10.01	93/36	11.85	43	1	20	1	20	--	--	40
17	15	82.44	11	69.60	26	152.04	355	31.62	38/21	47.64	62/31	79.26	52	1	65	1	20	--	--	85
Total	248	1765.31	424	2345.55	672	3110.86	4916	423.68	24/10	2206.27	94/54	2629.95	64	33	1268	12	535	6	356	2160

FIELD OFFICES WITH LOW INVESTIGATIVE ACTIVITY

Discussion

Several investigating offices are now located in contiguous zones of small jurisdictional area and/or a low degree of investigative activity. In such offices the investigating officers fill multiple roles and investigation is a collateral or part-time duty. This results in the underutilization of investigative training and the atrophy of investigative knowledge and skill. With several offices staffed by collateral-duty investigators, investigations and investigative effort of the field offices is diminished.

Two Coast Guard districts, the 2nd and the 9th, are comprised of investigating offices fitting the preceding description. The investigating offices of the 2nd district are relatively close together, consequently caseloads and especially staffs are quite a bit smaller than other offices. Field offices of the 9th district, with a jurisdictional area consisting primarily of the Great Lakes, have normal sized staffs but a very low caseload compared to other districts.

Current activity, in terms of manning and caseload, is summarized for these two districts in Exhibit II-4 on page II-41. This chart, compiled from CG-2802 forms and manning data in Exhibit I-7 on page I-20, provides data for the two districts and a comparative national field unit average. The comparative activity of the 2nd and 9th district investigative offices can be described as follows:

- 2nd District
 - unit average caseload is approximately one-third less than the national average unit caseload
 - investigating officer staff complement per unit is one-third less than the national average
 - IO investigative time is about one-third less than the national average, but enlisted investigative time is about equal to the national average.
- 9th District
 - unit average caseload is almost one-fourth the national average
 - IO staff per unit is practically equal to the national average

- IO investigative time is one-half the national average
- enlisted staff is equal to the national average
- enlisted investigative time is one-fourth the national average.

The jurisdictional areas for the 2nd and 9th districts are shown in Exhibits II-5 and II-6 on pages II-42 and II-43. The proximity of field offices within these districts is discernible, and especially for the 9th district partially explains the relatively low investigative caseload for each office. These exhibits also illustrate the geographic viability of a centralized, consolidated investigative office for each district.

Based on the data presented here, it appears that a consolidated investigation office, centrally located in the district, would better serve the investigative role of the Coast Guard in the 2nd and 9th districts, and would better utilize personnel and training. This is not to say that these field offices should be abolished. It is obvious that these offices have other duties which occupy the majority of staff time. Rather, it is to say that the billets for investigating officers should be removed from the field offices and a centralized office with a staff whose primary duty is investigation should be established to carry out consolidated investigative duties for the entire district. Personnel in field offices would still be utilized for some investigative functions, but, as is now the case, this would be only a collateral duty for them.

In essence, then, a consolidated and centralized investigative office for an entire district would provide a unified investigative management capability which does not now exist. All district investigations would be managed from this office, presumably by the district SIO, and the SIO and his staff would themselves conduct significant investigations. The field offices would still be involved, but would be under the direction of an IO. The IO would instruct and direct field personnel for assistance in minor cases.

Benefits which would accrue from this consolidation are:

- Increased utilization of investigating officers and of their training and knowledge.
- Increased uniformity of district investigations.
- Increased investigating staff continuity, as officers would be assigned specifically as IO's.
- Unified district investigation control.

In addition, this consolidation could serve as a test model for a possible larger scale consolidation, i.e., for all districts or even for larger areas, such as entire coastal zones (e.g., have consolidated investigative offices for the east, west, Gulf of Mexico, and Great Lakes coastal areas).

Conclusions

Investigation responsibility of field offices of the 2nd and 9th Coast Guard districts should be consolidated into a central investigation office for each of these districts. This consolidation will provide better utilization of investigation manpower and training, as well as a unified investigative capability where there now exists a fragmented and part-time function. Resulting investigations would reflect a higher level of concentrated investigative effort and expertise, while simultaneously achieving a higher degree of uniformity.

EXHIBIT II-4

Investigative Activity of Field Units
of the 2nd and 9th Coast Guard Districts

	Average Quarterly Case Load (from Form CG-2802, based on 9 qtrs.)							Investigative Personnel				
	Personnel	Casualty	Motorboat	Oil Pollution	Misc.	Total	Total Officers	Officer			Enlisted	
								Total Time (Man-months)	Inv. Time %	Total Enlisted	Total Time	Inv. Time %
Field Unit National Average	18.40	40.10	4.20	23.10	19.10	104.90	5.00	35.59	59.31	9.00	49.70	46.00
Cincinnati	0.8	4.40	0.70	15.60	7.00	28.40	2.00	19.20	80.00	6.00	28.80	40.00
Huntington	8.6	13.20	1.80	24.60	10.70	58.80	2.00	17.40	72.50	4.00	48.00	100.00
Louisville	2.4	8.00	1.30	21.80	11.60	45.10	2.00	16.80	70.00	6.00	21.60	30.00
Memphis	15.4	63.30	4.00	27.10	9.60	119.40	3.00	20.40	56.66	6.00	10.80	15.00
Minneapolis-St. Paul	3.4	18.30	4.80	18.30	25.30	70.20	3.00	27.60	76.66	5.00	40.80	68.00
Nashville	1.8	12.30	7.90	18.70	9.70	50.30	6.00	10.44	14.50	2.00	10.20	42.50
Paducah	10.2	40.20	2.00	11.60	22.60	86.60	6.00	22.50	31.25	6.00	18.00	25.00
Pittsburgh	9.4	20.40	1.20	37.40	21.80	90.30	5.00	10.20	17.00	8.00	33.60	35.00
St. Louis	13.7	29.60	3.90	44.20	3.00	94.30	2.00	13.20	55.00	10.00	60.00	50.00
2nd District	65.7	209.70	27.60	219.30	121.30	643.40	31.00	157.74	42.40	53.00	271.80	42.74
2nd District Unit Avg.	7.3	23.30	3.07	24.37	13.48	71.49	3.40	17.53	42.40	5.90	30.20	42.74
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Buffalo	3.0	11.80	5.00	0.00	1.40	21.20	10.00	9.90	8.25	18.00	21.60	10.00
Chicago	12.9	32.00	6.30	48.60	17.80	117.60	8.00	36.93	38.46	13.00	140.40	90.00
Cleveland	4.2	10.70	3.60	6.60	0.10	25.20	3.00	19.20	53.33	8.00	48.00	50.00
Detroit	5.6	12.00	4.20	0.00	3.30	25.10	6.00	22.32	31.00	21.00	17.40	6.90
Duluth	1.9	12.70	1.10	4.70	2.90	23.20	2.00	20.40	85.00	8.00	11.52	12.00
Milwaukee	1.0	2.00	2.00	4.00	0.00	9.00	3.00	8.64	24.00	6.00	36.00	50.00
St. Ignace	0.9	16.60	0.40	0.30	0.90	19.1	3.00	6.00	16.66	6.00	36.00	50.00
Sturgeon Bay	0.5	4.50	0.00	0.50	0.00	5.50	4.00	2.28	4.75	1 (CHQ)	0.36	3.00
Toledo	21.1	9.70	2.10	0.20	1.40	15.60	2.00	13.20	55.00	2.00	12.00	50.00
9th District	32.1	144.10	24.70	64.90	27.80	261.50	41.00	138.87	28.23	83.00	323.28	32.46
9th District Unit Avg.	3.6	16.01	2.74	7.21	3.10	29.05	4.55	15.43	28.23	9.22	35.92	32.46

EXHIBIT II-5
9th District Field Offices

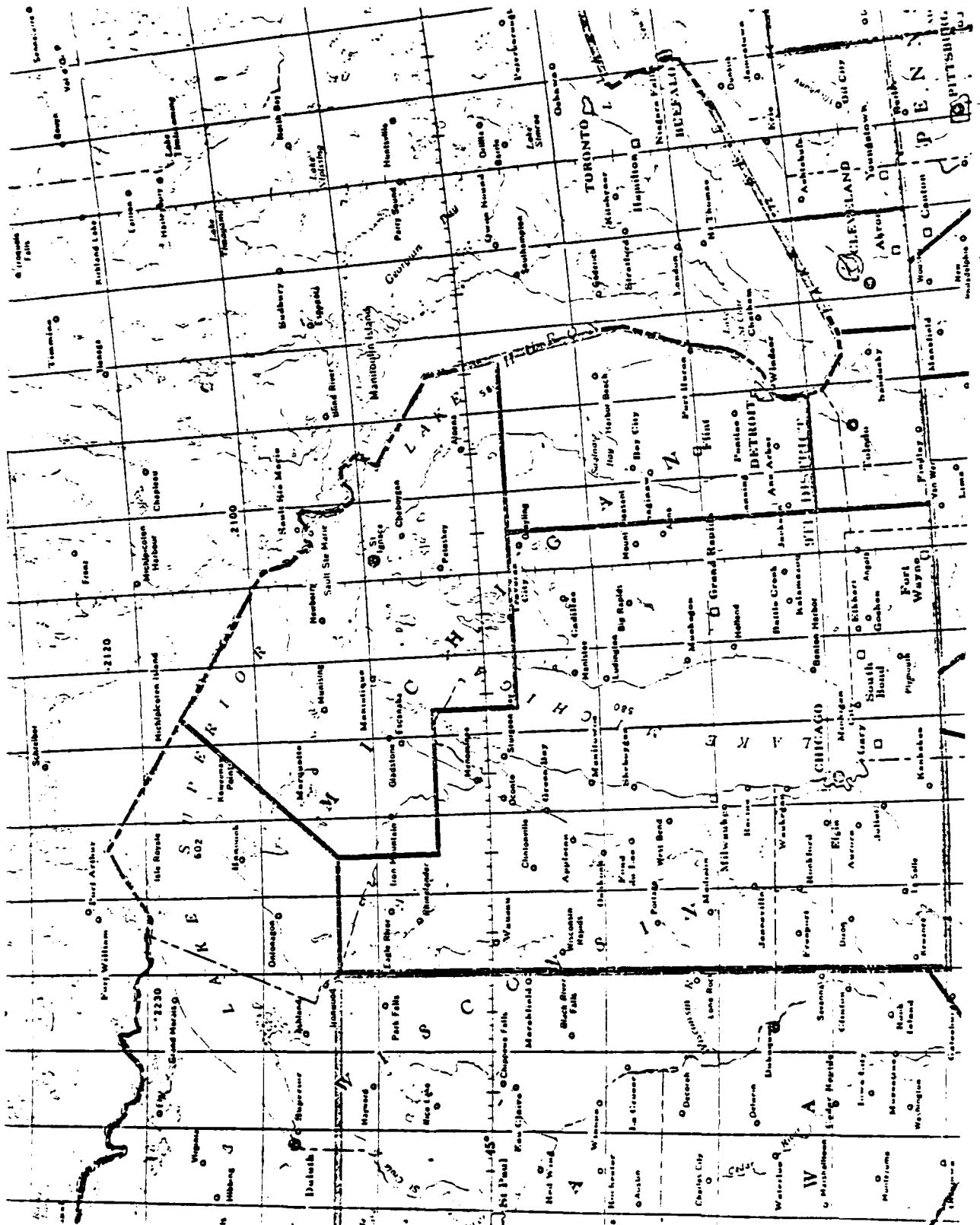
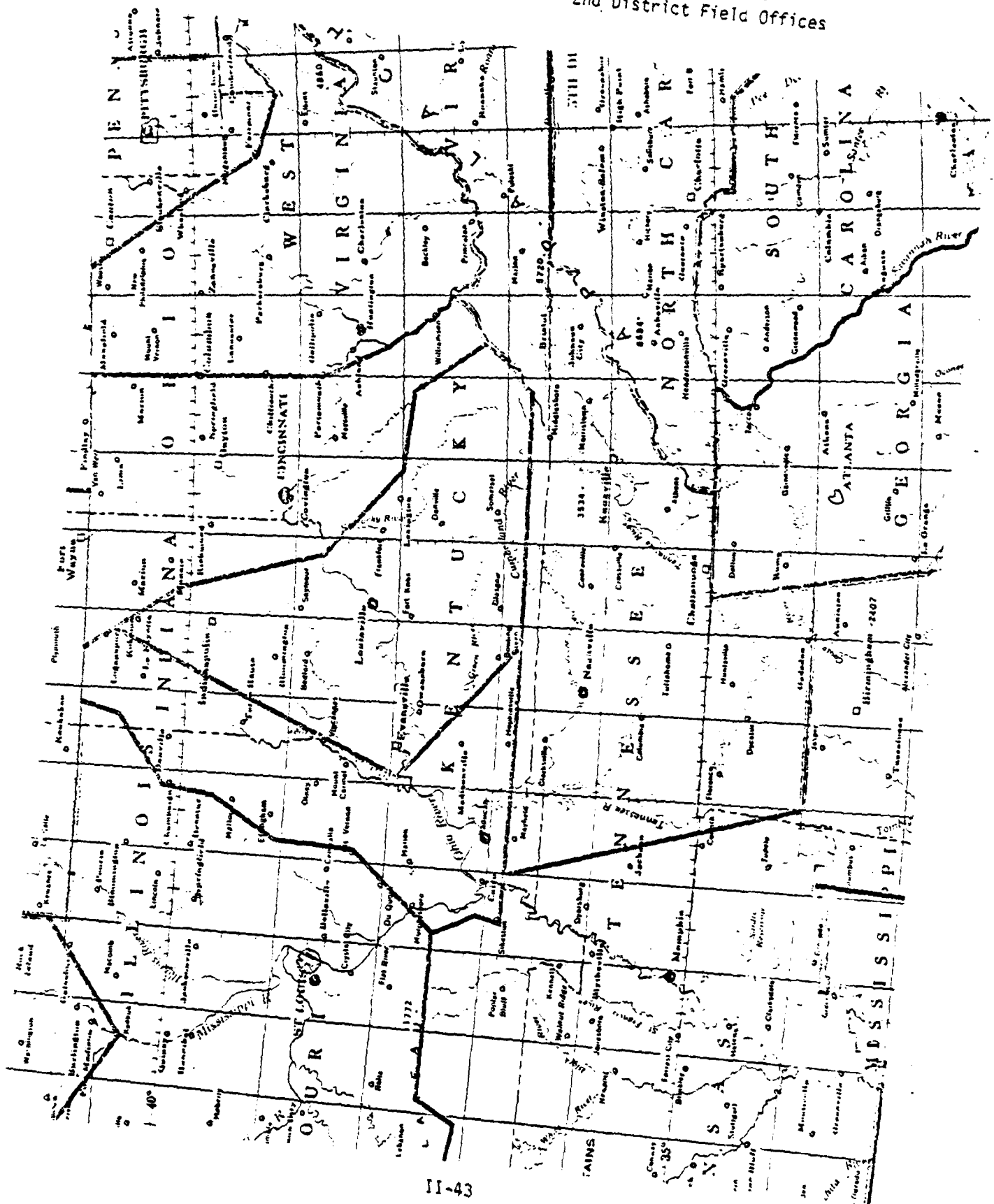


EXHIBIT II-6
2nd District Field Offices



CONSOLIDATE DATA PROCESSING ACTIVITIES AND EQUIPMENT

Introduction and Background

This chapter discusses the desirability of some level of data processing consolidation with respect to data collection, storage, and retrieval among the Commercial Vessel Safety (CVS), Marine Environmental Protection (MEP), Port Safety and Security (PSS), and Recreational Boating Safety (RBS) programs to support their investigative and penalty enforcement functions. Specifically, the chapter describes the forthcoming Marine Safety Information System (MSIS) and analyzes its capabilities as a comprehensive information system connecting all facets of the U.S. Coast Guard's marine safety activities.*

Existing Coast Guard computer hardware and data management systems are the results of isolated solutions to unique marine safety program needs. Until recently, with the upcoming implementation of the newly redesigned MSIS, no Coast Guard-wide plan for data system consolidation had been formulated. Therefore, very little cross-over of programming, access, or creation of common data bases had been accomplished to consolidate redundant, single purpose data systems into a comprehensive information storage and retrieval system. Even at this time, no formalized implementation plan has been devised for the efficient use of the MSIS data base by all potential users.

Conceptually MSIS was designed as a field use tool based on the user information requirements identified for the Vessel Inspection Information System.** However, the VIIS User Needs Study also makes recommendations for "sufficient analytical capability to permit these (vessel history)

* From the Users Manual for the Marine Safety Information System of the United States Coast Guard Department of Transportation, Battelle Columbus Laboratories.

** The scope of the VIIS User Needs Study was expanded to include the functions of the Marine Environmental Protection Program and the Port Safety and Law Enforcement Program and is the primary basis for the design of the Marine Safety Information System.

data to be useful in managing and executing an effective inspection program". This study, performed by Batelle's Columbus Laboratories, continues to recommend that:

- (1) The Coast Guard give consideration to eventually incorporating various existing/planned marine safety program computer-based systems to reduce duplication of certain computerized data and to provide primary users access to pertinent data as well as the full analytical capability of the information system.
- (2) The Coast Guard maintain consideration for long-term expansion of (MSIS) scope to encompass data bases of other safety elements to provide a more complete capability to monitor and control marine safety.

The MSIS implementation plan has made provisions for incorporating a number of data systems in the MSIS data base such as the interim MSIS, which built upon and expanded the Port Safety Reporting System, and the Commercial Vessel Casualty Reporting System (CVCR). However, based on a review of MSIS and the supporting documentation, it appears that a lack of comprehensive documentation concerning the integration of MSIS and other marine safety program data bases such as the Pollution Incident Reporting System (PIRS) and a limited data retrieval capability are the major impediments to the effective use of MSIS as a management and analysis system for Headquarter's use.

The problem, therefore, is one of identifying the specific information requirements and data management needs and capabilities of the various marine safety programs as well as documenting the data management and user needs fulfillment capabilities of MSIS. With this information it is possible to determine whether:

- (1) A consolidation of data base management functions and data processing equipment by MSIS will induce benefits in computer systems efficiency and information integration.
- (2) Decentralization of marine safety program data bases such as PIRS will provide better response to user needs, more accurate and timely data, and greater system flexibility.

- (3) MSIS, which was designed primarily as a field use computer tool for inspection and investigative functions, can be effectively used as a Headquarter's tool for consolidated data management, data retrieval, and analysis.

The following sections discuss these requirements in general as well as future MSIS capabilities.

Overview of the Marine Safety Information System

The Marine Safety Information System is described in the MSIS Users Manual as a comprehensive, computerized information system serving to connect all facets of the Coast Guard's activities relative to promoting safety of life, property, and environment in the marine domain.* It is an on-line transaction oriented system consisting of a central data processing operation and data input/retrieval stations at all Coast Guard inspection/investigation field offices (i.e., MSO, MIO, COTP) and all district offices, when fully implemented. The MSIS data base consists of a comprehensive safety history of U.S. commercial vessels, foreign tankers, foreign freighters, and some waterfront facilities. This history is aligned under the vessel/facility identification number as the primary key and summarized in a number of "screen formats" or "products" which constitute the user input and retrieval mechanisms. This set of "products" contains the following information:

- the vessel design, operation, and management --current and past-- in varying levels of detail as appropriate to match the complexity of the vessel and the Coast Guard's interests in monitoring that vessel.
- a complete history of Coast Guard involvement with the vessel broken down by various Coast Guard activities (i.e., CVS, MEP, etc.).
- a complete history of the safety degradation of the vessel as determined by the Coast Guard activities.

* Although the MSIS Users Manual describes MSIS as a currently operational system, it is actually in the first stages of implementation. The capabilities described here are currently functional only in the laboratory environment at Battelle's Columbus Laboratories.

Operationally, the primary purpose of MSIS is to provide an information system for marine safety field office use in the continuous collection, coordination, and feedback of relevant information involving Coast Guard inspection and investigation activities. Toward this end, MSIS incorporates capabilities for communication by field offices via local CRT terminals for reporting and retrieving information concerning:

- Commercial vessel casualties and investigations.
- Port safety (boardings, foreign vessel examination, violations, and facility examinations).
- Pollution incident investigations.
- Inspections.
- Vessel design, operation, management.

The system permits a field office to query and immediately receive current information relative to a vessel's or facility's recent and prior involvement with Coast Guard inspection and investigation activities.

The secondary purpose of MSIS is to function as a comprehensive information system coordinating the data from many separate activities in the Coast Guard Marine Safety Program. This integration of information from these activities, to be shared by all users, describes the function of MSIS as a consolidated data base with data base management capabilities including data coordination, storage, manipulation, and retrieval.

The operational environment which permits MSIS to function as a comprehensive data base is a data base management system (DBMS) package called TOTAL.* TOTAL is a widely used data base management system which provides adequate data management capabilities. These capabilities include:

* Note: At this time MSIS is resident on Battelle Columbus Laboratory's computer. Hardware procurement contracts for permanent MSIS implementation are pending and have not yet been awarded. Battelle has suggested the use of TOTAL as the recommended DBMS package. However, depending on the hardware eventually procured and its capability to support TOTAL, another DBMS may be chosen. With 90-95 percent certainty, TOTAL appears to be the future DBMS package.

- Interfacing common data base utilization in a multi-user environment.
- Maintaining a non-redundant and organized data structure.
- Assembling items from several files in a prespecified format ("screen formats" or "product") in response to user queries.
- Updating all appropriate data base records simultaneously.
- Providing direct access to all key element items in the data base.

These capabilities permit the simultaneous use of the MSIS data base by both field office users and Headquarters users in reporting and retrieving pertinent data items so that all user information queries are processed concurrently with consistent and timely information. Also permitted is the consolidation of Coast Guard marine safety activities with common information requirements such as CVS, MEP, PSS and possibly others. In addition, to a limited extent, the data base management system permits the Headquarter's user to search, probe, and query data base contents to extract answers to nonrecurring and unplanned questions that are not available in regular reports. Specifics on how these capabilities relate to Coast Guard user requirements are presented in the following section.

Proposed Marine Safety Information System Implementation

Implementation of MSIS is scheduled to begin in December 1979 when the Galveston, Texas MSO, New Orleans District Office and Headquarters will become operational. Full implementation will occur after an eight month test and evaluation period in the entire 8th District and after an 18 month installation period for the remaining district and field offices. During this implementation period the current hard copy reporting systems (i.e., Forms CG-2636, 2692, 3639, etc.), the interim MSIS, and the PIRS and CVCR data systems will be retained. When MSIS is fully implemented all CVCR and interim MSIS data will be consolidated in the new MSIS and reporting will be performed at the field office level only to the new MSIS. It is anticipated that hard copy reporting will continue, perhaps

at a reduced level due to the elimination of some hard copy forms. More information on projected data flows with the MSIS implementation are presented in Chapter V.

The future of the PIRS data system subsequent to the full MSIS implementation has not yet been formalized. Currently, the Marine Environmental Protection Division is providing a tape of certain elements of PIRS data for inclusion in the interim MSIS on a quarterly basis. Only certain elements concerning oil spill incidence information are provided which may be four months old by the time they are incorporated in the interim MSIS data file. As currently configured, PIRS is a separate data system maintained by WEP containing prior and up-to-date oil pollution investigation and penalty enforcement data. Information is primarily input at the district offices and is used for multi-user data retrieval purposes (i.e., Coast Guard, EPA, insurance companies, etc.). Operationally, PIRS is not resident on a data base management system. It is a sequential file accessed by a unique report generation language package developed specifically for use by PIRS. This software package provides data retrieval capabilities so that general, nonrecurring requests for information can be processed efficiently and quickly as well as providing the basis for an annual summary of polluting incidents in U.S. waters.

In order for MSIS to incorporate the current PIRS reporting procedures and pollution incidents data elements, the MSIS data base management system must be capable of accurately maintaining all data elements now maintained by PIRS, it must have a generalized data retrieval capability, and it must be responsive to user information requirements in a timely fashion. MSIS's data base management capabilities with TOTAL are sufficient to accurately maintain data elements in a nonredundant, organized structure with data specific to the WEP Division accessible only by WEP. It is also able to provide immediate direct access to keyed data elements for periodic report generation. However, the TOTAL DBMS may not be sufficient for all types of general, AD HOC information queries for data elements which are not among the 2,000 or so MSIS keyed elements. In this regard, it has been suggested by personnel in the Coast Guard R and D Division that it may be necessary to produce a tape from the MSIS data base relating to oil pollution incidents.

Using this tape and a generalized data retrieval package such as PIRS currently uses, nonrecurring reports will then be produced for AD HOC queries which cannot be assembled using the normal MSIS keyed element, direct access retrieval or report generation capabilities.

A similar method has also been suggested for data retrieval from MSIS for analytical purposes at Headquarters. Specific solutions presented by Coast Guard Headquarter's personnel to fulfill the expected 20-25 percent of the requests for commercial vessel casualty and violation information which cannot be extracted directly from the MSIS data base are the use of:

- Headquarter's (G-MA Branch) PDP-1134 mini computer which has an exceptional data retrieval packaged called DATA TRIEVE and the overall capabilities to perform sequential data search and query functions.
- GE timesharing services for analytical implementations requiring larger core requirements.
- Department of Transportation CDC-3300 or IBM 360 computers, space permitting.

The remaining 75-80 percent of the requests for information for analytical purposes can probably be handled directly from the MSIS data base.

Conclusions

In order for MSIS to adequately function as a consolidated data base, capable of integrating several Coast Guard activities in the use and maintenance of interrelated marine safety information, the following points must be considered:

- All common data elements must be consistently defined. For instance, vessel I.D.'s which are the primary key elements in the MSIS, must be correlated with PIRS pollution incidence identifiers, the date of a pollution incident must be reconciled with the date of the vessel casualty. This is to include all past, current and future data to provide a consistent data base.

- Updating authorization must be clearly defined.
- Adequate on-line capabilities must be provided by either augmenting the number of keyed data elements or by providing a more adequate generalized data retrieval capability than is possessed by the TOTAL DBMS. (System 2000 has been suggested).
- Adequate user control of the system must be guaranteed so that the needs of individual activities (MEP, CVS, etc.) are represented fairly and in a timely manner. This may require a control group authorized to serve the needs of the individual users equally.
- Mechanisms for adding or deleting the number of data elements and modifying or adding report formats that are compatible with the divergent requirements of individual users.

At this time, an in-depth requirements study for Headquarter's users is needed to determine if these points can be fulfilled for the various Coast Guard activities which are candidates for computer consolidation. PIRS is a likely candidate due to the similarity of this data system and commonality of data with the MSIS. However, RBS, SARTS, and other data systems which are not vessel oriented are not likely candidates.

III. RECOMMENDATIONS AND RESULTING UNIFIED SYSTEM

RECOMMENDATIONS AND RESULTING UNIFIED SYSTEM

RECOMMENDATIONS

1. Develop consolidation plans for combining the MIO/COTP offices in New York, New Orleans, and St. Ignace/Sault Ste. Marie.
2. Request organizational plans from each MSO which detail steps for integrating all investigative functions in the Investigative Department. Require a schedule for implementation of the plan and follow up until integration is complete.
3. Implement policies which will upgrade the level of experience of investigating officers:
 - A minimum assignment of 12 months for training of investigating officers.
 - Realign the billet structure and assignments below Captain for investigating officers to conform to overall pyramidal constraints.
 - Allow officers who wish to remain IO's to be removed from the Active Duty Promotion List and become special duty officers.
 - Use civilians to supplement Coast Guard officers in the investigative role.
4. Develop a marine safety rate for enlisted personnel that begins at the Second Class Petty Officer level.
5. Encourage the use of enlisted personnel in all areas of investigation.
6. Transfer the Headquarter's personnel and functions of G-WLE -1 and G-WEP-3 to the Office of Merchant Marine Safety.
7. Transfer fatal boating accident investigation responsibility from the MIO/MSO to the district level, specifically to the District Accident Investigation Coordinator and his staff.

8. Determine specific areas of application for shorter, check-block type forms for certain types of violations which are recurring and minor as discussed briefly in Chapter II.
9. Eliminate district review of CVS commercial vessel casualty investigation reports from the MIO/MSO.
10. Consolidate field office investigative functions into a centralized, district-wide investigative office in those areas with low investigative activity or small jurisdictional area.
11. Initiate a Headquarter's user needs study to determine if other data systems (e.g., PIRS) can be effectively consolidated with the MSIS data system. If the user needs study comes up with requirements that match MSIS's capabilities or MSIS' capabilities can be expanded to meet these requirements, develop a formalized plan for consolidating the respective data bases.
12. Create a control group whose responsibility is to coordinate the use of MSIS by all prospective users, integrate data from different data sources, and formulate restrictions or regulations for the maintenance and expansion of the MSIS data base.
13. Produce better, more user-oriented documentation for MSIS.
14. Document a specific MSIS implementation plan, with objectives and measures of performance clearly defined, for the upcoming MSIS implementation in the field and at Coast Guard Headquarters.

UNIFIED ORGANIZATION

The recommendations of this report do not suggest drastic steps to provide a more unified Coast Guard organizational structure. Rather, they suggest either the furtherance of existing Coast Guard plans for organizational updating or they take advantage of current processes and responsibilities and indicate a more logical placement of functions.

The overall objective of a unified structure is the reduction of duplication of effort. For investigations, this effort is primarily at the field (MIO/MSO) and district levels. The Coast Guard is well aware of the advantages of the MSO and our suggestions in this area reinforce the necessity to fully implement this concept. In effect, our recommendations will result in integrated field investigative departments. The MSO concept will provide the means to unify the field investigative activities and to eliminate what is now effectively two separate investigative organizations, i.e., CVS and MEP. In addition, the recommendation that RBS fatal accident investigation duties be transferred to the district level will remove a responsibility which is foreign to the MSO and MIO personnel, and place that responsibility in its logical organizational slot with the District Accident Investigation Coordinator.

At the district level, our recommendations would result in the elimination of several redundancies. As mentioned earlier, RBS investigation would become the sole responsibility of the element most familiar with these investigations, namely the DAIC. The DAIC would no longer have to route fatal investigations to the field level, and thus fatal boating accidents would no longer be the jurisdiction of two organizations. In addition, the integrity of the Boating Division would be maintained and the field would no longer be involved in what is to them an inconsequential and thus secondary responsibility.

The elimination of district review of investigations would smooth out the flow of these reports and would tend to bridge the gap between Headquarters and the MSO. District review seems to us totally redundant, and in fact seems counterproductive in that it further removes field investigative methods from Headquarters intent. Even with the district review fully 10 percent of all investigative reports are returned by Headquarters for deficiencies.

The recommendation to consolidate investigative offices in those areas of low activity will provide a district-wide unified investigative department. This primarily effects manpower utilization, but of secondary importance is the capabilities it will provide for a unified and comprehensive investigative effort where now exists fragmented and limited duties.

In order to take full advantage of these recommendations, a similar change at Headquarters would be necessary. The consolidation of investigative effort at the field level, i.e., the MSO, calls for a similar consolidation of G-MMI, G-WEP-3 and G-WLE-1. The functional integration and unification of investigative activities at all levels is necessary if it is to function properly at any level.

UNIFIED MANPOWER UTILIZATION

Unified and improved manpower utilization is concomitant with unified organization. The effects of the recommendations on manpower are not so much numerical as they are managerial. In other words, the organizational recommendations will provide a better utilization of personnel within job functions and provide an improved unified managerial posture for the investigative process.

At the field level these recommendations will provide the investigative functions with personnel serving a consolidated investigation effort rather than separate and sometimes contradictory program purposes. With implementation of longer IO assignments and enlisted marine safety rate the MSO's would be staffed with personnel specifically trained for, experienced in and dedicated to the investigation process. This is not to say that Coast Guard personnel in investigative roles should be single-purpose individuals, but rather that these people be able to utilize the training and experience for that role in a more meaningful manner. At this time the Coast Guard is not obtaining an advantageous return on the investment of training and skills acquired on the job. This also applies to enlisted personnel involved in the investigative process. The training and knowledge of these individuals is a valuable resource to the Coast Guard, and a marine safety rate for enlisted personnel would serve to retain that resource. The overall effect of these recommendations would be to provide a uniformly trained and experienced investigative force throughout the Coast Guard and to utilize investigative personnel in a unified manner.

The RBS program would benefit from these recommendations in that no longer would personnel unfamiliar with RBS functions be involved in RBS investigation. Conversely, non-RBS personnel would no longer have to be encumbered with investigating accidents which are of minor interest to them. Manpower thus would be unified in purpose, i.e., MSO personnel would be utilized for commercial vessel activities and RBS personnel would do all boating investigations.

Of particular importance to unified manpower utilization are the recommendations to eliminate district review of investigations and to consolidate investigative offices with low activity. In the former, district manpower is wasted in a function which is redundant and possibly self-serving. Little justification is noted for this review, and the personnel involved could be better utilized in more productive functions. Also, this extra step in the investigation process detracts from a unified information flow by inserting further interpretation of policy and procedure, which may not be valid (based on the fact that Headquarters still rejects 10 percent of all investigative reports even after district review).

In the recommendation for field office consolidation, manpower utilization in the field offices with low activity is fragmented. Investigation in these offices is a collateral duty, and time spent on investigating is fractional. In offices close together, several officers provide the investigative manpower. As a result, investigation procedure varies from office to office. Manpower in these offices could better be utilized by a centralized, district-wide investigative office, and a uniform policy would be developed for the affected districts.

At Headquarters, the consolidation of G-WLE-1, G-WEP-3 and G-MMI personnel and functions would serve to unify the entire Coast Guard Investigative role. These offices would no longer be competing for resources, and field offices would no longer be serving different masters.

UNIFIED DATA FLOW

The combination of unified organization and unified manpower utilization, as suggested in our recommendations, should result in a more unified flow of data. In addition, MSIS when fully implemented should provide better consolidation of marine safety information. In conjunction with our recommendations, MSIS could provide the centralized information system needed to realize a full data flow consolidation. Exhibits III-1, III-2, and III-3 on pages III-9, III-10, and III-11, illustrate the intended data flow associated with current plans for full MSIS implementation. In addition, full consolidation of all vessel-oriented data bases relating to marine safety activities, such as PIRS, would further data flow consolidation.

Excluding MSIS-related suggestions, five of our recommendations directly effect data flow and if adopted would provide a more unified flow of information up and down the chain of command. These recommendations, and data flow ramifications, are:

- Full implementation of MSO concept
 - consolidate MEP, PSS, and CVS responsibilities, personnel, and therefore data needs and origins
 - provide a focal point for data from the district and Headquarters, i.e., a straight-line flow.
- Eliminate district review
 - removes an unnecessary, therefore costly and inefficient, step in data flow up and down
 - increases impact of data by reducing number of interpretations
 - data become more timely
 - Headquarters becomes closer to the field.
- Consolidate field offices
 - reduces dilution of data
 - increases communication and understanding with other levels
 - more cost-effective in terms of data acquisition and transmission
 - provides a better fund of pooled investigative knowledge, and a uniform understanding of policy and procedure, therefore provides more accurate and contemporary data originating from the field.

- Eliminate MIO/MSO boating responsibility
 - deletes a step in the transfer of data
 - maintains integrity of boating responsibility and data
 - unifies the purposes of both MIO/MSO and district RBS.
- Consolidate Headquarters marine investigative functions
 - provides a common source of data
 - provides a common recipient of data
 - unifies intent, responsibilities, and functions.

In sum, these recommendations will provide a data flow which is straight-line in nature, reducing a branching-off effect. Data needs, acquisition, and sources will be unified, reducing contradictions, duplications, and overlaps. Data available will provide a broader view and a unified approach to the investigative process.

MSIS Implementation
Information (Hard Copy and
Electronic) Flow Diagram

EXHIBIT III-1
Commercial Vessel Casualty

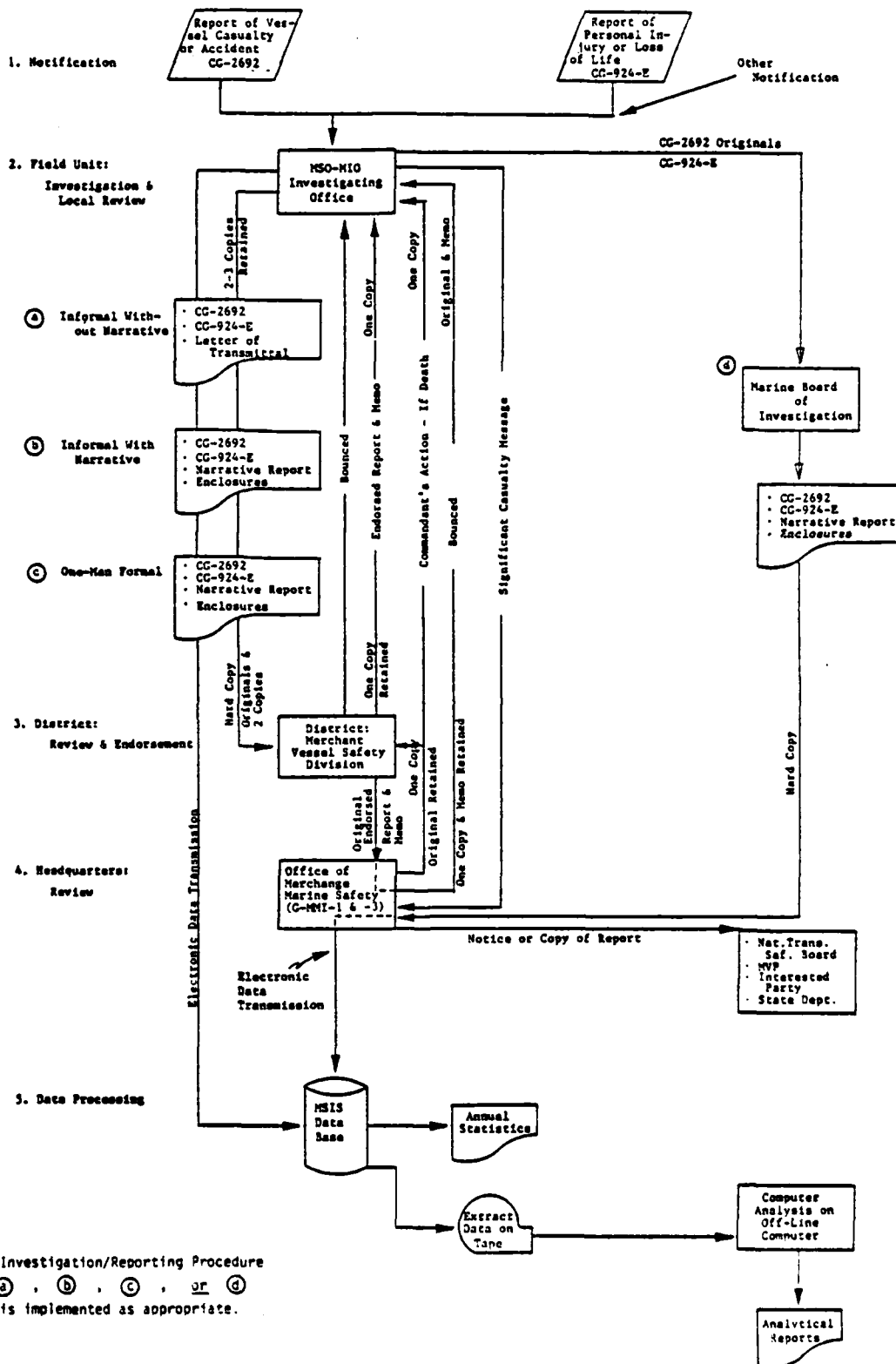


EXHIBIT III-2
Commercial Vessel Violation



MSIS Implementation
Information (Hard Copy and
Electronic) Flow Diagram

EXHIBIT III-3
Pollution Investigation

1. Notification of Oil Spill

2. Field Unit:
Investigation

3. District:
Review & Endorsement

4. District:
Hearing, Appeal,
& Penalty
Assessment

5. Penalty Payment

6. Data Processing

Note: Investigation/Reporting Procedure
Ⓐ or Ⓑ is implemented as
appropriate.

